(4)

The maner of keppynge a court Baron & a Lete with dyuers fourmes of entrets, playntes, proceſſes, preſentmentes & other matters determynable there. Newely Imprynted and corrected.

Anno. 1543.

HONI · SOIT · QVI · MALE · PENSE

FYrste there shalbe a precepte made out by the Stewarde of the court vnto the Baylyffe to warne the court.

¶ Thomas B. Senescallus excellentissime Dñe domine P. ducisse R. in com̃ C. Richardo C. balliuo manerii de D. salt̃ tibi precipio pariter et mãdo, quod diligenter premunire facias cut de D. predict̃ tenend̃ ergo diem Lune proxime post festum sancti Nicholai proximum futurũ post datũ presentiũ data sub sigillo meo tali die et anno.

¶ After that the Stewarde is set in the courte, he must fyrst enter in wrytynge the title of the court, with the name of the place in this wyse.

¶ Cur̃ cum visu franci plegii tãta ibidem die lune proxime, post festum. &c.

¶ Whan that is done the Stewarde shall cause the Bedel or Baylyffe whiche serueth the court, yf it be in a Lete to crye thre tymes, and yf it be another court, then but ones, and shall make this proclamacion. All maner of men that haue for to do here at this day for the court or for the Lete: drawe nere and attende to the court.

¶ Then shalbe called Essoynes & prokers of suyte or plee. And then if there be any that shulde be essoyned, entre it in the paper in this maner wyse. T. de N. essoniat p Robertũ B. et sic de aliis. That done the pledges shalbe called by name, as appereth in the olde court rolles yf it be a Lete, & yf it be but a nother court thẽ the .xii. men shalbe called. And loke yf there be any playnt̃, precept̃, attachemẽt̃, or dystres, hangynge in the court rolles, reherse them openly in the court howe the baylyffe hath serued thẽ

¶ Also if there be any playnt of olde hangyng in the courte rolles before this courte, let call the parties before the inquest be charged yf the playnt shal passe by the homage knowledge. &c.

¶ And when that is done, cal the enquest, and byd the fyrst man lay his hande vpon the boke, sayeng to him in this wyse.

¶ Thou shalt truly enquere and true presentment make of all that thou shalte be charged of to the kynges behalfe, and of the lordes of thys fraunchyse, that is worthy to be presented, that is for to say the kynges counseyle, thy felowes, and thyne owne wel and truely kepe, and for nothyng let, but say sothe so helpe the God and thy holydome and byd him kysse the boke. And then cal two or thre together, and bydde them lay theyr handes vpon the boke, and say to them in this wyse.

¶ Also suche othes as Johñ here hath sworne, ye shal kepe so helpe you God and holydome, and bid them kysse the boke, & so call forthe all the enquest in the same maner of wyse, and charge them to stande togyther, and here theyr charge. &c.

¶ The charge of a court baron.

FYRST ye good men that ben sworne ye shall enquyre and truely presente at the sutours that owe any sute vnto this court at this day, as for theyr tenures, yf they be here or no, and presente theyr names that make defaute.

¶ Also yf there be any tenaunte deade sythen the laste courte daye, ye shall enquyre of hym and do vs to wete what he helde of this lordshyp at ỹ day of his

of his death, and what auauntage the lorde shulde haue by his death, as warde, Maryage, & Releefe or Eschete, or any other profyte, & who is his nexte heyre, and what age he is of, and in whose kepyng

¶ Also yf there be any rente, custome, or seruyce withdrawen from thys lordshyppe that ought of ryght to be done, ye shal enquire by whō it is withdrawen, and what custome or seruyce it is, and in what baylyffes tyme, and howe it hathe ben withdrawen, and where the lande lyeth, that we maye distreyne for the arrerages that are behynde.

☞ Also yf there be any bonde man of blode that putteth his sōne vnto the scole to make him a preest or apprentyce, or set him to crafte, or maryeth his doughter without leaue, ye shall do vs to wete.

¶ Also yf there be any bondeman that letteth hys lande, that is to saye for the halfe, or for the thyrde sheefe, without leaue. Or els yf there be any bounde man, that withdraweth his goodes or catalles out of the lordshyp, without leaue, do vs to wete.

¶ Also yf the lordes comon be so charged by any tenaunt with mo beastes than he shulde holde after the quantite of his tenure, ye shall do vs to wete.

¶ Also yf there be any bondeman of blode that lō-geth w this lordshyp, that is fledde, and dwelleth without this lordshyppe without fyne or raunsome makyng, ye shall do vs to wete.

¶ Also yf there be any alienacion ouer twelue mo-nethes and a day, or lesse for terme of yeres in fee or in fee tayle, ye shall do vs to wete.

¶ Also yf there be any trāsmutacyon of possession that is to say, copy lande, or free lande, or free lande for copy lande, wherof the lorde myghte take any disauauntage in amendynge of the one and apay-

rynge of the other, ye ſhall do vs to wete.

¶ Alſo of al maner waſt done in houſynge lettyng downe, or cuttynge the great tymbre

¶ Alſo of all treſpaſſours in corne or graſſe, or in paſtures or greanes, or meades, or fyſſhers, or foulers, or hunters, or haukers within this lordſhyppe or lordes warren, ye ſhall do vs to weie yf there be any ſuche

☞ Alſo yf there be any tenant of coppe holde, tenant at wyll, or tenant of bonde tenure, that ſuffre theyr tenementes to be ruinous and fale downe, or els any fermer bounden to reparacion, repayre nat as he ought to do, do vs to wete.

¶ Alſo yf there be any boundmen of blode within this lordſhyp, that purchaſeth any fre lande with out any leaue or lycence, ye ſhal do vs to wete what it is, and what heyres he hath.

¶ Alſo of all other thynges that ye haue knowen that ought to be preſented to the lordes auayle ye ſhal do vs to wete therof by the othes that ye haue made, and bryngе in a true preſentment.

* Alſo yf any make any reſcous or breke any areſt made by the baylye or any other officer, or els yf any man breake the lordes pounde, that is to ſay a diſtres put in the lordes pounde by an offycer and taken out agayne without lycence, do vs to wete.

¶ Alſo yf ye knowe any that remouethe or pulleth vp mereſtones, or ſtakes betwene lordſhyppe and lordſhyppe, or tenant and tenant, whether it be fre or bounde, preſent theyr names.

¶ Alſo yf any tenant gyue any lande to the church that is to ſay into mortmayne, ſythe the ſtat. therof was made, without licence of the kynge and the lorde of this lordſhyppe, ye ſhal do vs to wete

Alſo

¶ Also if any mā haue encroched any of the lordes soyle, that is to say, lande. med owe, moze, pasture, or any vacant grounde without licence of the lorde present theyr names

¶ Also yf any man holde two tenementes, & wasteth the one. as yf he withdraweth any trees from the one to the other, yf ye knowe any such presente theyr names by your fozsayd othes.

Or els yf ye knowe that any tenant hath made any strope or wast vpon his bonde tenant(strope) that is to say pullynge vp of trees or hedges, wast is to say, let houses fall downe for defaute of reparacyon, yf there be any suche present theyr names.

¶ Also yf ye knowe any tenāt that kepeth or withdraweth any eupdences that longe to this lordshyp court rolles, rentalles, customaries, or any other eupdences, ye shall present theyr names.

¶ Here begynneth the charge of the Lete.

Yzste afore the Lete ye shall truely present al the head bozowes with theyr Tithynagmen that owe suyte here this day be here, yf nat, present theyr names.

Also ye shall enquyre of petyte treason, yf there be any amonge you þ be money makers, or clyppers or washers of the kynges coyne, or coūterfeiters of the kynges seale, sleeth or discepneth theyr maysters, ye shall do vs to wete.

Also ye shal enquire yf there be any amonge you that putteth out any mānes or womannes eyen, or cutte out theyr tongues, or noses, or dysfygure any

membre to the entente that they shulde nat see or speake, ye shall do vs to wete therof, and of houss brenners and theyr receptours.

¶ Also yf there be any small theues amonge you. that steale geese, capons, hennes, chykyns, theues of corne in harueste, or any other here in mēnes wyn to wes priuely that passeth nat the value of. 12. d. ob do vs to wete therof.

¶ Also yf there be any men amonge you that bene receptours of theues, or ỳ go in messages of felons as for vytayle or any other thynge to theyr susteynance, ye shal do vs to wete.

¶ Also yf ye knowe amonge you any great theues whiche steale neate, oxen, or kyne, or shepe, or any other goodes of great value, ye shall do vs to wete.

¶ Also yf there be any amonge you that hath take the churcheyarde, and escaped without abiuracion of the realme as the law wyl, ye shal do vs to wete

¶ Also if there be any amonge you, that hath be arested for suspecciō of felony, & let go without any auctorite lawful, do vs to wete of theyr names.

¶ Also yf there be any amonge you that hath for sworne the kynges lande, & hath retourned agayne without speciall graunte of the kynge that dwelleth within this lordshyp, ye shall do vs to wete.

¶ Also yf there be made any outcryes agaynst the kynges peace & nat pursued, ye shall do vs to wete

¶ Also of all assaultes and frayes made agaynste the kynges peace, do vs to wete.

¶ Also yf there be made any rescous or arestes broken to any of the kynges officers, in lettynge them to do as they ought to do, ye shal do vs to wete.

¶ Also of al woundes made, of blode shede or wepō drawē agaynst ỳ kiges peace, ye shal do vs to wete

Also

¶ Also of all commen bakers amonge you that make vnholsome breade for mānes body and kepe nat thassyse, ye shal do vs to wete.

¶ Also of al brewers & tapsters þ brewe and kepe nat thassyse, & sell by cuppes, dysshes, & bolles, & by measures vnsealed, ye shal do vs to wete.

¶ Also yf there be any amonge you that vseth double measures, that is to say, a great measure to bye with, and a smaller to sell with, or vseth false balaunce or weyghtes or yardes in deceyte of the kynges people, do vs to wete.

¶ Also of al bochers, fyshers, or any other vytaylours that sell wittayles corrupte, and nat holsome for mannes bodye, or sell to excessyuely, ye shall do vs to wete of them.

¶ Also yf there be any wayes, waters, dyches or pathes strayted or stopped, or tourned out of the ryght course into a wrong course vnto the noysāce of the kynges people, ye shal do vs to wete.

¶ Also of all purpresture made vpon lande or water, or with blockes: or with stockes in the hyghe way, ye shall do vs to wete.

¶ Also yf there be any house or hedge, or dyche or wall arysed or cast downe, to the noysaunce of the kynges people, do vs to wete.

¶ Also of al whyte tawers that sel nat good chaffer as they ought to do reasonably, and byeth the chynnes in any other place, than in towne or market, ye shall do vs to wete.

¶ Also of all corsewayners and artyficers that make nat good chaffer for the peple, as they ought to do, ye shall do vs to wete

¶ Also of all those that ben .xii. yere olde or more and have dwelled within thys lordshyppe .xii. mo-

nethes and a day, and be nat ſwo:ne to the kynge, do vs to wete of them and they: receytours.

¶ Alſo of al boũdes brekers that remoue ſtones o: ſtakes, and takers of houſe doues with meates o: with other crafte, do vs to wete.

¶ Alſo of all commen chyders and braulers to the noyſance of they: neyghbours, & cuyſdo:oppers vn der mens walles o: wyndowes by nyght o: by day to here tales, o: to diſcouer they: coũſayle to make debate o: diſcencyon amonge they neyghbours.

¶ Alſo yf there be any man that kepeth any grey= hounde, that maye nat dyſpende. xl. s. by the yere. O: yf there be any pryeſt that kepeth any greyhoũde that may nat diſpende. x. li. by the yere, yf there be any ſuche do vs to wete.

¶ Alſo of all maner of wayfres of goodes o: ca= tayles of felõs & fugitiues that be fo:fayte within this lo:dſhyp do vs to wete.

☞ Alſo of al ſtrayes, that are come into this lo:d ſhyp, as of beaſtes, ho:ſe, neate, ſhepe, ſwyne, o: ſwã nes that haue ben wtin this lo:dſhyp. xii. monethes and a day and nat challenged, yf the lo:d be anſwe ered of them o: no.

Alſo ye ſhal do vs to wete of all purſe cutters.

☞ Alſo yf there any regratours o: fo:ſtallers a= monge you, that lye in the waye to bye co:ne o: any other vytaple, at the townes ende o: in any other place, to make the pryce therof derer, do vs to wete of them.

☞ Alſo yf there be any myllers amonge you, that vſe to take exceſſyue tolle otherwyſe thãthey ought to do by ryght, ye ſhall do vs to wete.

¶ Alſo yf there be any vacabounde: o: haſarders o: robbers amonge you, that walke in the nyghte

and

and slepe on the day, and haunte customable ale-houses and Tauernes and routes aboute, and no man woteth frō whens they come, ne whyther they shal, ye shal do vs to wete of thē & their receitours.

¶ Also yf any treasure hath ben founde vnder the erthe or aboue, as golde, syluer, or any other ryches yf the lorde be answered therof or nat.

¶ Also of all encrochementes made on the kynges possession, ye shall do vs to wete.

¶ Also of al lollardes yf there be any amonge you and of theyr scoles, ye shall do vs to wete.

¶ Also ye shall enquyre by your othes yf the counstables, ale cōners, baylyffes, or any other officers that longe to this lordshyp, haue truely and duely do nether office or no.

¶ Also of al raupsshers of women, yf there be any amonge you withi this lordshyp, ye shall do vs to wete of theyr names.

¶ Also of all maner of felonyes. And also robberyes felonously done within this lordshyp, by whom, wherof, what, and what tyme, yf you fynde any suche amonge, ye shall present it. &c.

☞ Also ye shall enquyre by the othes, whiche ye haue made, yf all the defautes and playntes that were presented at the laste Lete day, be amended or no, as they ought to be, and of these poyntes and of all other, that ye be wonte to be charged of as for the court and for the Lete, that is worthy to be presented, ye shall go togyther and bryngē in the verdite.

¶ Centres of the court Baron.

INquisitio capta ex officio Senescalli per homagiū, qui dicunt, q̄ Hubas de B. J. W. et Robertus J. terre tenentes de C. sunt sectatores curie, et faciunt def. Ideo ipi in mia separatim.

¶ Et dicunt, q̄ Joannes N. qui de dño tenuit vnū messuagium cum pertinenciis p̄ḍ H. obiit circa p̄xim curiam, post cuius mortem nihil accid̄ dño de hereotto, s̄ q̄ nullum habuit animal. Et p̄z eo q̄ nullo modo ven̄ in cur̄ istā ad clamand̄ p̄dictum messuagium cum pertinenc̄ extra man̄ dñi. Ideo p̄ceptum est illud scisire, saluo iur̄ cuiuslibet, et de exit̄ inde domino respondere quousq̄. &c. Et dicunt, q̄ R. B est eius filius et heres p̄xpinquior, et plene etatis.

¶ Et modo in hanc curiam venit p̄dictus R. B. et petit lic̄, dñi admitti ad p̄dictum ten̄ cum pertin̄. secundū consuetudinem manerii. Et admissus est tenens, et dat dño de fine p̄z ingressu inde habēdo, vt patet in rotulo, s̄ fecit domino fidelitatem.

¶ Joannes N. querit̄ vlus Richardum H. in placito debiti plegii de p̄sc. J. O. et P. T. Et p̄c̄, est p̄d̄ Richardo erga p̄xim curiam, ad resp̄ d̄nō p̄fato Joanni in placito p̄dicto.

☞ Joannes B. ponit se p̄z lic. cōū cū J. H. in placito debiti, ideo ipsi in misericordia.

¶ Richardus P. quia non p̄sc. quer̄ suam versus W. P. in placito debiti, ideo. &c.

☞ Wilhelmus in mia p̄z iniusta quer̄ sua versus R. P. in placito trāns.

¶ J. W. quia incidit in inquisitionē, in quā se posuit versus R. B. in plito trāns vel debiti sup dō. xx. s. s̄ cepit ē bail' leuare dictos, xx. s. de bonis s̄ catal's dicti J. ad opus dicti R. Et p dānis cōcess. ē ei p cur̄. xii. d. erga p̄xim cur̄. &c. Et p̄dictus J. in mia

Jo.

¶ Jo. G. ꝛr'tur versus R. H. in plito trꝛs vel. ꝛc. Et part predicte habent diem concord vlq; ad primam curiam, ex eorum & domini assensu. ꝛc.

¶ Joannes E. habet diem vlq; ad proximam curiam cum secta manu vadiand legem. s. versus R. T. in placito debiti super dd. xx. s. quos ab eo exigit, vt verum debitum suum. ꝛc.

☞ Ad hanc cur venit Will's B. natiuus huius manerii, et petit lic ad maritand Joannam filiam suam infra dominium istud vel extra. cui domin⁹ & E. B. senescallꝰ suꝰ concessit lic marit illam et dat dño de fine pro lic supradicta put patet in capite.

¶ Ad hanc cur venit R. J. natiuus domini, et petit lic morand extra dominium istud, cui dominus per senescallum suum concessit lic, et dat dño pro chimin chio suo, pro lic habend vi. caponis. Et sic de aliis.

¶ Tho. B. in pastura domino cum auerits suis de pastus fuit, conculcauit et consumpsit diuers. vt supra. Judo ipse in mia.

¶ Jo. B. succidit arbores in bosco dñi, ideo in mia

¶ Item dicunt, q̃ R. L. est cõmunis venator in warenno et parco domini, cum arcubus et sagittis, leporariis, et aliis canibus. Jdeo ipse in misericordia

¶ Item dicunt, q̃ J. H. natiuus domini perquisiuit tres acras terre sine licentia domini in villa de E. ideo preceptũ est bail' seisire ꝓdictas tres acras terre: & inde respondere de exitibus.

¶ Item dicunt q̃ R. J. retraxit se reddet dño isto. vi. d. & a retro exist p̃ vnũ annũ vel per duos annos vel retraxit redditum vnius galline: et sic de huiusmodi: et ideo pret est distr pro arret

¶ will' D. non pros. querelam suam versus L. in placito trꝛs. Jdeo in misericordia.

¶ Ad hãc cur venit R. L. coram R. B. senescall' hu

ius.

ius curie, et cogñ se tenere de domino terras voc. B.L. per cartam per seruiciū .xiiii.ō. p annū & sect̄s cur̄. Et fecit inde dño fedelitatem.

¶ Pc̄ est distringe ꝛ J.H. erga proximam cur̄ ad ost̄ēd̄ cuiděc. suas, qualit̄ occup. teñ voc. H. vnde R S. & A. vxor eius, querunt de J.H. in plito tre vic̄ de vno Tofto, et .iii. acras terre in L. et protestantur sequi in natura breuis de forme donationis in dilcend̄. &c. plegii de pros. J.B. et H.H.

¶ T.S. hūit dič vsq; ad hāc cur̄ ad vadianō legē vlus T.E. in placito debiti sup dō. xx.s. et defecit de lege vt supra, Ideo ipse in mia. &c. Et concedit p cur̄, p pred̄ T.E. recuperet versus predict̄ T.S. debit̄ pred̄, & .xii.ō. pro damnis, quos prec̄. est balliv̄ leuar̄ de bonis et catallis eiusd̄ T.S. ad opus predicti T.E. erga proximam curiam.

¶ Datus est dies homagio ad melius inquirendū de quadam transgressione inter. J.B. quer̄, et W. H. def. erga proximam curiam.

¶ R.B. queritur versus R.W. in placito debiti & quia tenet̄atur per balliv̄, p predictus R. sum̄ est, et non venit, ideo ipse in mia, et prec̄. est balliuo attach. eum erga proximam curiam, ad respondendū prefato R. in placito predicto.

¶ R.C. queritur versus T.E. de placito debiti sup dō. x.s. quos ei debet, et iniuste detinet. &c. et p .xviii. die oct̄. an. r̄. Re. H. viii. nono apō H. mutuat̄ fuit de dicto quer̄. vi.s. viii.ō. soluendō eidem quer̄ quo & quādo. &c dictus def. per dictūquer̄ requisit fuit ad dāpnū dict̄ quer̄. iii.s. iiii.ō. et inde produc. fect̄. &c. Et dictus def. veñ in propria persona sua & defendō vim et iniuř. &c. quo et qñ. &c. Et dicit, p ei nichil debet. &c. prout versus ipsum narrauit, et de hoc ponit se super homag. et predict̄ quer̄ similiter. Et

super

super hoc oñatur homa, p cur, q dic. super sacram
luctm, p predict dek. prstat quet debet, put. &c. Et
dat. dnū scdm. &c. ad. ii. s. Ideo consl. est ex pte cur
p dictus quet recuperet, predict. x. s. de principali
debito vna cū damnis per homagium tax. et pret.
est illos leuare erga proximam curiam de bonis et
catallis ipsius dek. ad opus eiusd quet, et dict dek.
in misericordia.

¶ R. A. queritur versus B. L. de placito debiti vn
de quet dic. p ei debet et iniuste detinet. xx. s, eo quod
tali die et an. &c. dictus dek. p script suum obligatoꝝ
huic curie prolat, oblig. se dicto quet in dictis. xx. s.
soluendis eidem quet in tali festo proxi. fut. &c. put
per script suū predict oblig. plenius liqt, & inde pro
ducit sect. Et dictus dek. in propria persona sua dek.
dm et imuc. quū. &c. Et dicit, p non est tactū suū,
nec aliquid ei debet put superius versus eū alleg.
Et sup hoc parat est defendere p patriam et dictus
quet similit, vnde dies dat est partibus predictis
vsq ad proximam curiā. Et pret. est balliuo, p vent
re tac. erga proximam curiam. xii. probos et legales
homines de vicineto iur. de placito predicto.

¶ J. R queritur versus Edm Benet de plito deb.
vel thō et sic de aliis. Et continuat ex allōcu partiū
vsq ad proximam cur et totū homag. habet diem
vsq proximam curiam, ad certificandū defectus,
necnon omnia nondum execut. &c.

¶ P. H. et Alicia vxor eius querunt de G. F. et J.
vxore eius de placito terre, plegii de prol. &c. Ideo
pret. ē ipsos sum scdm consuetudinē manerii erga
proximā cur ad respond. prstat P. et Alic. de plito
predicto. Et idem dies data est parti querenti.

J. H. versus R. L. in plito debiti p W. H.

P. F. versus W. P. in plito thō p H. W.

Et.

Eſſ. T. ℔ xõlus M. M. in plito con. per I. P.
R. M. verſus R. L. in plito det per W. M.

¶ Itẽ predicti iuẽ appreciauerẽ. ii. vaccas capẽ nomine diſtrẽ p arrer vnꝰ annuat redõ. xr. ſ. ereuntur de certes terres & tenitis quandã I. T. in S. Que quidem arẽ, dicti iuẽ dicunt, q̃ de iure debit ſolui domino huius manerii. Ideo preceptum eſt.

¶ Ad hanc curiam ven. R. B et dat dño de fine p lic. admitt ad firm teñ ſuum, et. xvi. acẽ tre voc. ꝛc. a feſto ſancti Michaelis. ꝛc. Et dat domino de fiñ prout patet in capite.

¶ Preceptũ eſt ballo, q̃ venire fac, erga proximã cur. xii. pbos et legales homines de viſeneto, ad faciendõ quandam iuratam de quodã plito tranſgreſſionis, detẽtionis, vel conuencionis. Et ſic de aliis.

¶ Itẽ preſent eſt q̃ R. B. non facit opera cert tem poze autũpnali per diẽ & di p vno croſto tre voc. L put ceteri tenẽtes cuſtomarii fac. Ideo in mia.

¶ Ad iſtam curiã proclamatum fuit in plena curia alta voce et trina, q̃ ſi aliquis heres B. C. modo clamare ſeu vẽdicare voluerit quoddã teñ. ꝛc. voc. ꝛc. qõ veniat ad prorimã cur, ad dicendõ pro ſe, nec non ad oſtendendũ, qd pro ſe hẽat. ꝛc. Et vlterius ad ſatisfac. dño de reddit et ſeruic, inde arretro p ſpacũ. x. annorũ, ſub pena forifactur et dimiſſionis teñ p dicti in mañ de ſe et heredibꝰ ſuis in perpetuũ. ꝛc.

	I	M	H	I	B	R	
	P	O	R	S	C	C	
xii. p rege	M	N	P	F	P	R	iuẽ
	T	M	D	I	L	M	

Qui dicunt ſuper ſacramentum ſuum, q̃ dant domino de certo pro cõi fine ad hunc diem ex antiqua conſuet, put patet in capite.

Item

¶ Item pñel. q̄ W.C. habet fossatum non escura tum apud, &c. cont. xii. pertie terre ad nocumentum pōpuli domini regis. Ideo ipse in mi a

☞ Item pñel. q̄ W.C. fecit insultum super J.S. contra pacem dñi regis. Ideo ipse in misericoꝛ dia Et dictum baculo.

☞ Itē pñel q̄ R.B & C.D. sunt capitat. plegii & faciunt def. Ideo ipsi in mia

¶ Item pñel. q̄ via regia apud C. est valde nociua et cenosa defalt defectu fosse J.B. non escurata Ideo in misericoꝛdia.

¶ Item dicūt, q̄ S, nat⁹ius domini, est etatis xx. annoꝛum et mansue. infra istud dominium per annum et diem et non est iuē ad assisam dñi regis Ideo ipse in misericoꝛdia Et pñcept est ballio ipsū dilt̄ erga pꝛoꝛ mā curiam, ad iuē eū ad assisā &c. et q̄ W.C. eū hospitat & receptat. Ideo ipse in mia &c. Et dicunt, q̄ W.B. habet fossat apud. &c. cont xii. ptic. ad nocum̄ ppt̄ dñi regis Ideo ipe in mia.

¶ Item iuē dicunt super sacram̄ suum, q̄ W.C. noctant tali anno &c. clam̄ J.C. apud J. fregit et intrauit, et capones, aucas, et gallinas, pꝛecii. iij. s ibidem inuenē felonice cepit & asporta uit, et quod J.R. eum recepit, hospitat, & confoꝛtat, sciens ipsum esse felon̄, & felon̄ sic fecisse. Et p̄cept est ballio tam predict W. q̄ pꝛedictū J. attach. et pꝛoxime gaole committere. &c.

¶ Item pñel. q̄ W.S. iniuste et contra pacem traxit sanguinem super R.B. cum gladio. Ideo ipse in misericoꝛdia. Et dictus gladius remanet, domino ad iudicum cautam foē.

¶ Item dicunt, q̄ W.R. tali die anno et loco. &c. infra dñium de J. furat fuit vnum equum nigrū pcii. xx. s. cuidam J.B. et q̄ R.C. sciens ipsum

et cõkozat, Ideo in mia. Et pzeč. est balliuo seisire equũ pzedict vt kozisfactum, & exit respondere.

¶ Itẽ dicũt q vnus bos niger vel vnus equs. &c. venit de extratie infra dominium ad festũ Pasche vltimo pzteritum, & pzceptum est balliuo pzoclamare in kozo et in ecclesia. pzout mozis est. &c.

☞ Item dic, q quidam ignotus felo furatus fuit vnum equumpzecii. xx. s. extra istud dominiũ. Ideo pzceptum est balleuo seisire dictum equum in manum domini causa kozisfactuẽ.

¶ Item dic q W. D. accrochiauit sibi de cõia terẽ. &c. ad graue nocumẽt vicinozum suozũ. Ideo ipse in mia, et pzeč. est balliuo seisire in manũ dñi. &c.

¶ Item dič. q R. sanus & incolumis cois est vacabundus, qui vigilat in nocribus, & dozmit per diem et nihil laborat. ideo, &c.

¶ Item dicunt, q H. vtlagaẽ est talibus die anno et loco ad sectã R. M. in placito traulgẽ. ideo pcep. est ballio seisire bano et catalla sua ad opus dñi. &c.

¶ Item pzes. quod M. J. cozã tali cozonatozie tali die anno & loco cognouit se spõte felõ feciss vels tali die ãno et loco: q qua recognitione abiurauit. &c. Et postea rediit sine charta regis, & manet ikra dñium istud. Ideo pzeč. est bio, vt cõstabulario, eiusdẽ dñii ipsũ M. cozpozaliter attach. et pzoxi. gaolã dñi regis adducẽ, ibidẽ sub arcta custodia mozatuẽ, quo usq. &c. Et pceptũ ẽ bario seisire bona & catalla sua

¶ Item pzes. quod J. H. molendi huius dñii siue manerii cepit tolnetũ iniuste et excessiue de farina vicinozum suozum. Ideo ipse in mia.

¶ Item dicunt, q dñs habet fassam non esseuẽ lõgã. xii. pertic. Ideo pzeč. est balliuo emendaẽ.

¶ Item dicunt, q T. et L. sunt pistozes panis humani, fregerunt assisam. Ideo ipse in mi.

Item

¶ Item dicunt, quod D. C. habuit diem ad vltimã curiam ad emendũ vnũ fossatũ ex opposito longũ. xii pert. super pena. xl. ð. Et quia no n fecit dictũ fossat ideo incurrit in dictã penã. Et preceptũ est balliuo leuare dictã penã sic fœ ad opus dñi.

¶ Itẽ dicũt, q I. & W. sunt decennarii, et fecerunt fidefaltam. &c.

¶ Item dicunt, q R. N. qui de domino tenuit diuersas tras et teñ libere vocat S. per legẽ Anglie, vt de iure A. vxoris eius per seruitĩ. iii. s. iiii. ð. diem claulit extremũ post cuius mortem T. W. est eius filius et heres propinquior, et est plene etatis, qui est presens modo in curia, et petit admitti ad dictas terras et teñ, et acceptus est inde tenens, et dño de releuio, vt patet in capite, et fecit dño fidelitatẽ.

¶ Johannes A. electus est in officium constã. vel collect reddit, et iuratus est ad prosequendum. &c.

¶ Item dicunt, q R. W. et C. D. iniuste leuauerũt vnum hutelium magnũ in perturbationẽ pacis dñi regis post vltimũ visum tentum, ad nocumentum vicinorum apud H. Ideo in mia.

¶ In what wyse the baylyffe or beddell, which seeueth the court shall call thassyse of breade and ale, whan the court is ended

THe Stewarde shall cause the baylyffe to make an oyes, & shal say. All maner men þ wyl bake breade to sel, loke they sel fowre loues for. i. ð. and. ii. loues for i. ð. and loke ye kepe thassyse.

¶ All maner of brewars that wyl brewe to sel loke ye selle a galon of ale of the beste, for. i. ð. ob. the seconde for a penye, and the worste for an ob. and kepe the assyse, and that no brewer selle ont no but then tyll the ale conour haue assayed therof, and

set a pyne thereon, vpon payne of forfayture. &c.

¶ And all maner of men that haue for to do at thys day, come and you shalbe herde, or els kepe your day at the next court, by resonable warnynge And God saue the kynge

wil's. Do.

Afferatoyes.

Thūs wo.

¶ The othes of Constables, and other offycers.

TO whom the Stewarde shal say in this wyse Laye your hādes vpō the boke, & say after me. I shal true cō. able be, & true plentment make of blode shedynge, outcryes, frayes, and rescous, and duely kepe vnto my power that, that belongeth vnto the offyce of a constable to do so helpe me god and holydome. Et sic de aliis.

¶ I shall true lyege man be, and true fayth beare vnto kynge Henry the eyght that nowe is, and to hys heyres, and be no theefe, ne theues fere, nor theefe knowe, ne treason, ne kepe it secrete, but I shall enfourme and do to wete them that be the Kynges offycers, that haue the lawe in gouernaunce and shalbe buxū and obedient to the Justices Commissioners, Shyryffes, Escheatours, Baylyffes and Constables, and to all other offycers, of the kynge in all that they shall charge me lawefully, so helpe me god. &c.

¶ And whan the courte is done, then shall the Stewarde chose two thre or foure offycers, to afferes the court vpon theyr newe charge. &c.

¶ The othe of the Afferatours.

Ye ſhal truely aſſere the treſpace preſented at this court, and no man aſſeſſe more greuouſly for hate nor more eaſely, for loue, but truely after the quantitie of the wronge or treſpace, after your conſcience to aſſeſſe euery perſon, ſo helpe you God & holydome, holdynge theyr handes vpon the boke durynge the charge, and make thē kyſſe the boke.

¶ The maner of ſurrendrynge.

Vnto whom the Stewarde ſhall ſay, take hym the yerde, and he ſhal holde the one ende, and the Stewarde ſhal holde the other ende, and ſhall ſay thus in the full court, I yelde vp my tenement and lande that is called B. the whiche I holde of this lordſhyp, at the lordes wyl after the cuſtome of this maner, to the vſe of I. R. and his heyres. &c.

¶ In what wyſe the Stewarde ſhal delyuer ſeaſon to any man of lande after the vſe & cuſtome of the maner.

The Stewarde ſhall put the one ende of the yerde in the hande of him that ſhal haue the lande, and he ſhall ſay thus to hym. My lorde graunteth here to you ſeiſon of hys lande that ye haue taken here in the court, to holde at the lordes wyll after the cuſtome of thys maner. ¶ And whan that is done. The Stewarde ſhall byd him lay his hande vpon the boke, and do hys fealte, and ſay in thys wyſe. I ſhall beare fayth and trouthe to my lorde of thys maner, as for this lande that I haue take, to holde here of my lorde in court, and truely to pay the rentes ſuytes, and ſeruyces that longe therto, as for the tyme that I ſhall occuppe, ſo god me helpe. &c. and byd hym kyſſe the boke, and laye downe a peny or two as

the maner is. &c. Et nota, that it behoueth the ſte warde to haue theyr names.

¶ The fourme of diuers coppes for landes and te nementes holden at wyll after the cuſtome of the maner, or by the verge, and in what wyſe the clerk ſhal make, and enter them in.

¶ Ad hanc curiam dñs conceſſit extramanus ſuas per T. L. ſeneſcallum ſuum T. R. et J. vxori eius, vnum tenementum cum ſex acras terre cū pertineñ iacens apud M. quibus dñs p Seneſcallum cogn. ſeiſinam. Tenendū ſibi et heredib⁹ ſuis de dño per virgam ad voluntatem domini ſecūdum conſuetudinē manerii, et dant dño de fine p ingreſſu ſuo habēd, prout patet in capite et fecerunt dño fidelitat.

¶ Ad hanc curiā dñs conc. per T. R. ſeneſcallum ſuum R. M. et Joanne vxori eius vnū meſſuag. vi acē terre cum pertiñ, iacent apd H. vocat B. habēd et tenend predictū meſſuag. et terras cum pertineñ prefatū R. W. et J. hered et aſſignatis ſuis ad voluntatem dñi ſecundū conſuetudinem manerii, redēdo annuatim dño & ſucceſſorib⁹ ſuis. vi. s. viii. d. pro oībus et ſingulis ſeruiciis ad duos āni tmin⁹ vtz ad feſta Paſche & ſancti Mi. per equales prociones. Et dat dño de fine pro ingreſſu inde habēd prout patet in capite, et fecit domino fidelitatem.

¶ Ad hanc curiam venit R. M. & ſurſū reddit in manus dñi vnum teñ vocatū H. &c. ad opus J. H. cui dñs per ſeneſcallum ſuū conc. inde ſeiſinam, tenend ſibi et heredibus ſuis de dño ad voluntatem domini ſecundū conſuetudinē manerii. Et dat dño de fine &c. et fecit domino fidelitatem.

¶ Ad hanc curiam venit R. H. et R. vxor eius, ipſa ſola per ſe examiñ, et ſurſum redd in manus dñi vnū teñ cū gardino, iacens int tras talis ex pte. &c.

ad q=

ad opus J.H.et A.vroris eius,quibus dominus in de conc.ſeiſinam.Habendum & tenendum prefatis J.et A.heredibus ipſius J. de domino, ad voluntatem domini ſecundum conſuetudinem manerii. Et dat dño de fine.&c.et fecerunt dño fidelitatem.

¶ Ad hanc curiam venit J.H.et rurſum reddit in manus domini vnū teñ cū gardino nuper R.C.ad opus J.W.habendū et tenendū ſibi & heredib⁹ ſuis de dño ad voluntatē domini ſecūdum conſ.maneñ. ſub condicione ſequeñ.q ſi predict J.ſoluat ſeu ſolui fac.prefato J.H.xl.s.ad feſta ſubſcripta, videlicit ad feſtum Paſche proxime futuꝝ poſt datum huius cuꝝ.xx.s.&c.et ad feſtum ſācti Michaeł pxi. tūc ſequeñ.xx.s.q tūc preſens curlū redditio ſtet in ſuo roboze et effectu.Et ſi defectio in aliqua ſoluci onum prędict in parte vel in toto,fuerit, tunc bene licebit prefato J.H. heredibus et aſſignꝫ ſuis,reintrare ei rehabere.&c.iſta curſum reddicione in aliquo non obſtante.&c.Et dat domino de fine pro ingreſſu habendo,&c.et fecit domino fidelitatem.

¶ Ad hanc cuꝝ compertum eſt, eſt J.H.extra curiā ſurſum reddō in maſ J.C. balliui domini huius manerii vnam acram terre voc.C.quondam W.O ad opus H.A.Cui dñs inde conc.ſeiſinam Tenendō ſibi et heꝝ ſuis de dño ad vnlūtatem domini ſcōm cōſuet manerii.Et dat domino de fine &c.Et fecit domino fidelitatem.

¶ Ad hanc curiam tenꝫ apud H.tali die & āno .&c. prefꝫ.fuit balliuo ſeiſire in manum dñi vnū teñ cū pertiñ & E.nuper Johannes H.vocꝫ.C.eo quod ipe alienauit,et dicꝫ teñ vend idit eiuldam J.J.ſine licentia domini. Et de exitꝫ inde domino reſpōdere quouſqꝫ.&c.Et nunc ad iſtā eandē cuꝝ, dñs de gra ſua ſpeciali conceſſit dictū teñtum cum pertineñ J

B.cui

B. cui dominus concessit inde seisinam, habēdum sibi et hēr suis de domino ad polūtatem domini tenendum scōm consuetudinem manerii. Et dat dño de fine et fecit dño fidelitatem.

¶ Ad hanc curiā dñs per T.B. Seneschall' suū cōr J.L. vnum ten cum sepibus & fossat, et cum oibus suis pertiñ voc. H. habend et tenendum sibi et hered suis a festo sancti Michael archāg. pri. futur post dat huius cur, vsq; ad finem termini. xxvii. ānōz extūc pri. sequentiū & plenar cōpleō, reddēdo inde domino & succes suis per annum. iii. s. viii. d. ad duos anni terminos, vicz ad festa sancti Michael archang. & Pasche per equales porcionis H. quilo semper, q durante termino predicto dominus inueniet mercimū, totiēs cotiens necesse fuerit ad dictum tenūtū, emend repar & sustent, Et dat domino de fine, et fecit domino fidelitatem.

¶ Ad hanc cur compertū est, q cum dominus per T.B. seneschall' suū ad prox cur pcedent tent apud H. die lune pri. post festum sancti Mich. an r. Re. &c. conc. extra manus suas J.B. et heredib' suis vnam peciam terr contiñ. iii. acras arrabiles, quod dam Thomas L. in B. iacentes inter terram J.H. &c. habendum et tenendum predictam peciam terre cum pertinēciis suis prefat J.B. hēr et assignatis suis inperpetum ad voluntatem domini secundum consuetudinem manerii. Et postea venit quedam Juliana coram L.B. seneschall' domini, & pretendit habere titulum in predicta pecia terre, et remisit et relaxauit prefat J.R. hered & assignatis suis per licenciā domini totum ius suum et clameum, quem habuit, habet, seu habere potest in predicta pecia terr, et in qualibet eius parcella ita quod nec ipsa, nec heredes sui, nec aliquis alius nomine suo aliquod

quod ius vl̄ clameū in predict pecia terre de cetero exigere, vel vendicare, poterit, sed ab omni actione iuris inde sint exclusi p̄ p̄sentes Et predict J. dat domino de fine. ⁊c. Et fecit domino fidelitatem.

☞ Ad hāc curiam compertū est, quod J.B obiit post vltimam curiam, qui de dominio tenuit sibi et heredibus suis vnam parcellam terre voc. H et inde seisitus. ⁊c. Et dicit quod R.B. frater eiusdem J. est inde p̄rorimus heres et plene etatis et hic est p̄sens in curia, petit admitti. Et admissus est inde tenens, tenendū sibi et heredib⁹ suis de dño ad voluntatem dñi sc̄dm consuetudinem manerii. Et dat dño de fine p̄ro ingressu. ⁊c. Et fecit. ⁊c.

☞ Ad hanc curiam compertū est, quod R.B. ad curiam tentam apud T. die Jouis. ⁊c. sursū reddit in manus domini vnum tenementum, et tres acras terre voc. B. ad opus J.R. ⁊ R. vroris eius, quibus dominus concessit inde seisinam tenendum sibi et heredib⁹ suis de corporib⁹ suis legittime procreatis, Et si obierint. ⁊c. q̄ tunc predictum tenementum ⁊ terre remanent rectis heredib⁹ ipsius R. Et modo in curia ista iuformat̄ p̄ totū homag. quod J.R. et A. morierunt sine heredibus inter eos legittime procreat⁹. Ob quod venit J.B. frater et heres R. B. predicti, ⁊ petit seisinam per licenciam domini predictar terrar ⁊ ten̄, que ei post mortem predicti R. remanere debent.

☞ Ad hanc curiam venit R. S. ⁊ sursū redd in manus dñi vnū ten̄ ⁊ octo acras terre voc. R. vt domi⁹ faciat inde voluntatem suā, ⁊ dominus habet in de seisinam, et gra sua speciali reconcessit predicta tenemēta et tras J. at S. ⁊ vroti eius durāte vita eorum: ita q̄ post mortem et decessum eorum p̄dicta tenementa remanent J. vroti R. durante

vita sua. Et post decessum eius, predicte terre et tenementa remaneant rectis heredibus ipsius R. H. imperpetuum, tenendum per virgam ad voluntatē domini secūdum consuetudinem manerii, in forma predicta, saluo iure cuiuslibet. Et predicti R. et J. dant dño de fine. Et fecerunt domino fidelitatem.

¶ Ad hanc curiam compertum est, quod R. B. languidus in extremis sursum reddidit in manus dñi extra curiam per manus J. H. in presenti J. et R. tenentium huius manerii, vnū tenū cum ptinenciis &c. ad opus A. vroris sue. Tenendum sibi per seruicia inde debitum, secundum consuetudinem manerii p termino vite sue, Ita q post decessum eiusdem A. p dictum tenū remanū J. filio pdicto um J. & A. & hēd de corpore suo legittime procreat. Et si cōtingat pdictum J. sine hēd de se legittime procreat obiere, q tunc predictum tenementum remanū R. filio eorūdem J. et A. Et si contingat vtrumq eorūdem J. & A. sine heredib⁹ de corporib⁹ suis legittime procreat obire: quod tunc predictum tenementum cum pertinenciis per exēc vtriusque eorum dutius viuentis vendat: et denarii inde percepti et prouenientes, pro animabus parentum eorum et suorum benefactorum disponant in altis vsibus et operibus charitatiuis, et missis celebrandis, et elemosinis distribuendis, prout eis melius videtur expedire: quibus dominus concessit licentiam. Tenendū in forma predicta ad voluntatem domini secundū consuetudinem manerii, Respectuat fidelit eorūdez J. et B. pro eo q sunt infra etatem &c.

¶ Dat est curie intelligi, quod Johannes B. natiuus domini fuit seisitus de vno cotagio cum pertinenciis in H. & obiit inde seisitus: post cuius mortem presentat est per totam homagium, quod T

B. et

B. eſt filius eius et heres propinquior, et eſt plene etatis. Et modo in iſta eadem curiam venit A. vxor predicti J. et petit licenciam domini admitti ſecundum conſuetudinem manerii, ad tertiam partem predicti meſſuagii. Tenendum ſecundum conſuetudinem manerii in forma predicta. Et dat domino de fine. &c. Et fecit domino fidelitatem. Poſtea venit predictus. T. filius et heres predicti J. B. et petit ſecundum conſuetudinem manerii ſe admitti ad predictas duas partes ſimul cum tertia parte predicti cotagii (cum acciderit) poſt mortem predicte A &c. Cui dominus inde conceſſit ſeiſinam Tenendū ſibi & heredibus ſuis de domino ad volunt domini per ſeruitia inde debit et de iur conſueta. Et dat domino de fine, pro ingreſſ. &c. Et fec. &c.

What plees be determinable in a court Baron.

IT is to be noted that in the court Baron, Counties, and hundredes are determinable, plees of replevin of beaſtes, of Treſpaſſe, Couenaunt, Detinue of Chatheles, and dettes, whiche be vnder. xl. s. For yf they be aboue, then all they to be ſued in hygher courtes.

And lyke as in the kynges courte, all ſuytes betwene parties cōmence by orygynal wryttes. Euen ſo in theſe baſe courtꝭ do they cōmence by playnte: For yf any wyll ſue another there, hym behoueth to go fyrſte vnto the Baylyffe of that courte wherin he purpoſeth to ſue (and enter hys playnte there, accordynge to the nature of hys caſe: or he may

maye do it in the open court. As for example yf it be for the repleuynge of beastes. then to enter it thus

Repleuin.

☞ I. S. queritur de W. F. &c. de placito captionis et detencionis auerioꝝ ꝑ. &c. Trelpas.

¶ I. &c. de placito Transgressionis ꝑ. &c.

Couenant.

☞ I. G. &c. de placito couencionis fracte. ꝑ. &c.

Dette.

¶ I. S. queritur de W. D. de placito debiti. Plegii de prosequendo I. B et C. D.

Detinue. &c,

☞ I. S. vt supra de plito detencionis catallorum Plegii. &c.

And in suche wyse in euery case shall the playnt be entred, of what nature of accio so euer they be.

¶ The proces and fourme of pledynge in a Court baron. &c.

IN playntes of Dette, Couenant, and Detinue of Chatelles, the defendant shalbe somoned to appere in the court at a certeyne day. The shal the Stewarde of the court cause the parties to be called. Fyrste the playntyf thus. Johan at Style plaintyf come. &c. Then must he be redy. And after he shall calle the defendaunt, what tyme yf he be absent, the Stewarde shall aske of the Baylyffe howe he hath retourned hys precepte. And yf he retourne the defendant somoned, them shall there be an Attachement awarded agaynste him to be at the nexte court.

¶ Attachement.

¶ And ye shal knowe that the defendaut in the case shall nat be attached by his bodye, but by hys goodes, that is to wete by hys oxe, cowe, hoyse, potte, panne

panne, or other maner of Chatel. And when the partye is so attached, he maye chuse whyther he wyl suffre the Baylyffe to carye away the thynge, whereby he is attached or els to repleuie it by two pledges distraynable wythin the same maner, whiche shal becõe suerties for him to appere at the next court. And in case that the goodes (wherby the partye is attached) be vnplenied, and the defendant make defaulte at the day gyuen hym by the attachement: the courte shall kepe that, that it hathe, and awarded that he be distrayned by anoye. And yf the goodes attached by replenied, and the partie come nat the pledges shalbe amerced, and the defendant distrayned agaynst another day.

Distres.

¶ A dystres shalbe taken of the goodes, as before is sayde of the attachement, sauynge that where the goodes attached be repleuiable by .ii. pledges, the distres shal nat be delyuered by fewer thẽ foure Mainpernours. And yf the defendant come nat at the day gyuen by distres, the Mainpernours shalbe amerced, and the defendant shalbe dystreyned agayne. And yf the dystres by in the baylyffes hande nat maynprised, and the defendant come nat: then shall the courte awarde that, that he hathe, and dystres infynite vntyl he come. And for euerye defaulte that the defendaunt shall make, he is nat amerceable, but dystreynable before that he come vnto the courte, whereat when he appereth he shall fynde .ii. pledges to saue his defaulte.

¶ Also note that yf the playntyfe be absente at any courte, excepte he be essoyned, he shall lese hys playnte, and the courte shall awarde a Nonsute and the partie with hys pledges to be amerced.

Also

¶ Also in Repleuin and Trespas the same proces lyeth, sayinge, that where in the forsayde cases the proces begynneth by Somons, in these accyons it shall begynne by Attachement.

☞ And when any plee is hangynge bytwene partyes which appere in the court, the playntyffe must haue hys declaracyon redye, wherin he shall shewe his greuance agaynst the defendant, which shal defende it in such wyse as may be maynteyned by reason, and accordynge to the mater.

¶ Also ye must note that in euery declaracyō, there be thre poyntes, that is to wete, Demonstracyon, the declaracyon, and the perclose. And in the demonstracyon are thre thynges conteyned, that is to wete, who complayneth, and agaynst whom and for what thynge. And in the declaracyon shalbe cō prysed howe, and in what wyse the accion betwene the parties began, and what day, and place and to whom the accion is gyuē. And in the perclose must be shewed howe muche the playntyffe is endamaged, and that he wyll auowe hys sayte to be good, whiche is nothynge els but a conclusion vpon the demonstracyon, and declaracyon.

☞ And ye shall knowe that in a defence there be thre thynges to be noted. Fyrst whan the partye defendeth the wronge and force, it is to be presumed that he excuseth hym selfe of the wronge surmysed agaynst hym in the declaracyō, and maketh hym selfe partie to the matier, and where he defendeth the dameges, he affyrmeth the partie able to sue, And whan he sayeth (ou et quant il doit) therby doth he admitte the iurisdiccion of the court to determyne the plee.

☞ Moreouer Exceptyons may be taken dyuers

wayes

wayes. Fyrst the Jurisdiccion of the courte, secondarely to the matter, thyrdely to the varyanee, after to the accyon. Exceepcyon to the Jurysdiccion is taken in thys wyse. The defendant that here is defendeth the wronge and force, without further wordes, and then he shal say thus. Syr we suppose that you wyll nat take knowledge of this plee. For you haue it by a speciall lawe, that no court oughte to determyne any plees of dette, Contractes, or couenant, whiche commenced in any place oute of the Jurysdiccyon of the same. And for so much as the playntyfe hath declared agaynst vs vpon a cõtracte made in such a towne, whiche is out of your power: iudgement yf contrarye to the prohibicyon of the estatut, you wyl take knowledge of this ple.

¶ Also exceepcyon may be take to the Jurisdiccion in case where one by playnte demaundeth agaynst another any dette, amountynge to the sũme of .xl. s or more, bycause they cannat be remaũded without writte, the defendant maye demaũde iugement yf contrary. &c. you may take vpon you knowledge of suche maner of dette. Exceepcion also may be taken to the Jurysdiccyon, in case that in an accyon of Trespas the playntyfe declare of an affraye thus, Syr for almuche as the playntyfe declareth of an affraye with force & armes agaynst the peace, whiche is a plee of the crowne, and is nat tryable any other where thẽ in the kynges court, we demaũde iudgement yf, &c.

¶ Also yf one be impleded in the kynges courte as before Justycers for lande that is in auncyent demesne, as for landes pledable at the cõmon law the partie may alledge that the landes in demaunde be within auncyent demesne, & demaundeth iugemẽt

yf the

pf the court wyll holde plee of them. And in dyuers other maners may one take. Exception to the iurif diccyon of a court, ſo that he defende no moze but the wzonge. &c.

¶ To the perſon, exceycyon may be taken in thys wyſe. Johan at Style that here is, defendeth the wzonge & the fozce, where, and whē, that he ought, and demaundeth iudgement, pf he be a perſonable to be aunſwered vnto. Foz we ſaye that ſuche a yere, daye, and place, at the ſuyte of one Johan at Nocke, he was excōmunycate by the byſſhop of L. and ſo he ſtandethe yet ſtyll in the cenſures of the churche, and can ſhewe no letter of abſolucyon in diſcharge therof. &c. Jugement, pf he ſhalbe aunſwered vnto, and in pzoſe of the ſame, here is the letter of the Ozdynarye.

¶ And note that whan in an accion one wyll plede Excommunicacyon in the perſon of the playntyfe, him behoueth to ſhew letters vnder the ſeale of the byſſhop teſtifyenge the ſame and nat of any Commyſſarye. Foz no letters be of recozd in the kynges court, but of the ozdinarye hym ſelfe as it appereth M. 20. H. 6. plac. 1.

¶ Exceycyon alſo may be taken to the nonabylyte of the perſō, as to ſay. Suche a yere daye, and place, the playntyfe was outlawed at the ſuyte of one Johan buſſhe foz felonye. Judgement pf he ought to be anſwered, without ſhewynge howe he was reſtozed to the law. Oz he may ſay ꝑ he ought nat to be aunſwered, bycauſe he is his vyllcyne, oz a relygyous perſon, and of ſuche a houſe. Judgement without his Soueraygne he ought to be anſwered, oz he may ſaye that the playntyfe is a woman, and hath an huſbande lyuynge, nat named in

the

the wrytte. Judgement, yf without hym the thalde aunſwered vnto. And in diuers other maners may one take exception to the perſon.

☞And as to the fourme Exception may be take thus, that is to wete, where by one worde a thynge Affyrmatyue is ſuppoſed, and by another worde a Negatyue, as contrarete of matter. Alſo the count may be vicyous in fourme. And where in the Demonſtracyon, more is compryſed then in the declaracion. As wherein the demõſtracion he demaũdeth. xx. ſ. and in the declaracyon, he proueth but. xl. ſ. whiche is nat purſuynge vpon the count. And in lyke maner where there is eny worde of fourme omytted in the declaracio, thoughe the ſame be nat material, as in an accyon of Treſpas, theſe wordes (and aulters ledes lup fiſt) & ſuch lyke, that be more formal, then materyall. Alſo a declaracyon may be vicyous, when it is nat purſuynge, but contrarye.

¶Ye ſhall alſo knowe that a declaracyon may be viryous in mater, as wher there is omytted what day the contracte was made betwene the partyes, or in the yere and day, or in leuynge out the yere of the kynge, or the feaſt, ſuche a declaracyon is vicyous. Alſo it ſhal abate for variaunce as where the playnt, and the declaracion vary in name ſurname or in ſubſtaunce. And in euery caſe where the declaracyon ought to agree with the playnte, and dothe nat, the playnt ſhall abate for varyaunce. And lyke wyſe it is where the accion is grounded vpon a ſpecyalte, and varyance is betwene the playnte, and the ſpecyalte.

☞Alſo Exception may be take vnto the accyon where the playntyfe declareth nat by expreſſe wordes ꝑ the accion is gyuen to him, in this wyſe. Yf

you se wel howe he hathe declared agaynste vs, & hath nat suppoſed that the accyon is gyuē to hym: iudgement yf wout shewynge therof, he may haue any accyon agaynste vs. Also Excepcyon maye be taken to the accyon where a wrytte of Dette is brought agaynst Executours, & the demaūde what the playntike hath to shewe in proſe of the dette, & yf he haue nought to shewe, then shal his sute falle.

¶ Moreouer it is necessary that the defēdant take his Excepcions in order, as before is sayde, for yf he take excepcion to the person, he shall nat be admytted after to chalenge the Juriſdiccyon. And yf he take Excepcion fyrste to the matter, then is he paſte all chalenges to the fourme and iuryſdiccion For whē he taketh excepciō to the acciō, he admytteth ꝑ wrytt, & declaraciō to be good in euery poynt

¶ And it is to be noted that when one taketh any of the excepcyons, & the same is nat alowed, as for on example he chalengeth the fourme. It behoueth hym to proue and mayntayne his Excepcyon & euery of them to be good, & iuſtifyable by the lawe. &c.

☞ Note that the Excepcyons aboue mencioned, that is to say to the perſon, Mattier, fourme and varyance (yf they be dylatoryes) be of none other effecte but to delaye the partye for the tyme, whiche is to abate the playnte, and all the proceſſe dependynge theron. Howebeit the playntike may haue a newe playnte, when soeuer it shall pleaſe him. &c.

¶ And note also that euery Excepcyon taken, to the accyon is peremptorie, for that they dyſtroy the Accyon for euer: inſomuche that yf the Judgement paſſe with hym that toke the Excepcyon, the other is barred of hys accyon for euer. And yf ye paſſe agaynst hym, then is he excluded from al other Excepcyons

cepcyons, and the playntife shal attayne to his pur
pose, and by suche an Exception the matter shall
take a tynall issue.

¶ There may also Exception be taken to the dys-
continuance of the proceesse, as where the peesse of
a plee begynneth by Somõs, and by worde of Re-
corde, or by Attachement, or yf the playnte begyne
by somons, and the Court is nat holden at the day
gyuen to the partyes by the Somons, or Attache-
ment, or Somons, or by distres. And note that the
same exception may be taken at any tyme, whyliste
the plee is hangynge, after þ the defendant hath o-
nes made the defence, vntyl he plede to the action.

☞ Nowe it is to be sen howe many wayes, issue
maye be taken in a Courte Baron vpon playntes.
And by the commen lawe by Exampnacyon of the
suyte, by wager of lawe, & by confession. But issue
vpon exampnacion, can neuer be taken but in plees
of dette, and that in thys wyse. The defẽdant may
aske what the playntyffe hathe to shewe in proofe of
the dette, that he demaundeth whereunto yf he say
that hys suyte is good, the defendant maye praye
that the suyte be exampned at his perryll. Then
yf the playntyffe bryng in two or three that wyl swe
are that they were preuy to the contracte, and gyue
euidence accordynge as the playntif hath declared
in that case the playntyffe shal recouer his demaũde
with his damages. But yf it be foũde þ the playn-
tyffe hath in any poynte in his declaracyon varyed
from the trueth of the contracte or matter, thẽ shal
the defẽdant be lycensed to departe without day, &
the playntyffe shalbe amercyed. Also the playnt shal
abte, where the suyte is nat taken in the Courte,
where as the Exãmynacyon is demanndꝺ. &c.

¶ Moreouer issue may be taken by trauersyng of that whiche the playntyfe hath declared, as where he demaundeth the Sūme of. xx. s. in this case may the partie make his defēce by the wordes of course and say. Sir ye see well howe by his declaracyon, he demaundeth agaynste vs. x. s. wherunto we say, that we owe him nothynge, & that are we redy to proue by wager of lawe agaynste hym, or howe so euer that thys courte shall awarde that we shal defende. In this case shall the defendant haue day vnto the nexte courte, & shal fynde pledges to wage hys lawe with thre hādes, or syxe hādes accordyng as the courte shall awarde. And this issue may be taken in euery playnte, excepte in specyall cases. Therfore let them that wyll take issue by warger of lawe well aduysed that he trauerse the poynte, wherupon the Accyon is maynteyned, as the dutie in cases of dette, the wholdyng in cases of detinue and the breache of the couenantes, in couenāt, and the takynge of the beastes in case of Repleuin, &c.

¶ And note that in plees of Tresspasse, the defendaunt shall saye that he is nat gylty, and therupō he may offre to wage hys lawe yf it be nat in Tresspas agaynst the peace,

☞ Also one maye fayle of wagynge hys lawe in dyuers cases, as where the wytnesses that shulde sweare, refuse to depose accordynge to that, wherwith they shalbe charged. Or yf any withdrawe his hāde frō the boke before he take his othe or yf the defēdāt do nat brynge in so many wytnesses as the court hath appoynted him, or yf he make defaulte at the day þ the court appoynte to wage his lawe, Or yf he be essoyned, after that he hath foūde suertye to wage his lawe, & cōe nat in at the next court to war

to warrant hys essoyne: in all these cases the defendant hath fayled of his lawe.. And ye shall take it for a generall rule that in every case where the defendant fayleth of hys lawe, the playntyfe shal recouer agaynst hym his hole demaũde, with his damages accordynge to his declaracyon without any taxacyon of the court, as appereth by these two verses. Qui. &c.

☞ And ye shall note that when any muste wage hys lawe, he shall come at the begynnynge of the courte, and shall proffer to wage hys lawe in this maner. Fyrst he shall laye his ryght hande vpon a boke whiche he shall holde in his lefte hande, and shal saye thus. Syr ye haue here Johan at Style whiche here profereth to wage hys lawe agaynste Johan at Nocke in a plee of dette. And when the Clerke commeth, and declareth agaynst hym, he shall call the partyes, & the court shall dyscharge them.

¶ Also by confessyon, issue may be taken thus, as whã the defendant sayeth that he can nat deny the accion of the playntyfe, but that it is true in whiche case the playntyfe shall recouer his demaunde, and the defendant shalbe amerced.

☞ Nowe intende we to speke somewhat of dette that is to wete howe the playntyfe shall declare in hys accyon in dyuers cases, as in dette demaũded by reason of contractes byenge or sellynge, arbyttementes, or dette demaũded agaynst suerties, or for nat dischargynge of suerties.

¶ The comen proceſſe in a courte Baron in plees real.

Every wrytte of Ryght that is directed to the lord of any court, or hys Baylyffes to holde plee of any matter hangynge bytwens his tenauntes, the wrytte of ryght close in auncient demesne onely excepted, muste be parente that is to wete open, and it must be fyrst brought in the court of the same lorde of whom he claymeth to holde the lande demaũded. And also there maye the partyes pleade, yf the demaũdant lyste, vnto the fyrst dyscussyon of the cuyte by wager of batayle, or by the great Assyse. But yf the tenant put him selfe to the great assyse of the kynge in the same court, thẽ may the matter be remoued at the procurement of the tenant thus. He may go vnto the kynges court, and purchase a wrytte dyrected to the Shyryffe of the countie. wherby the lorde of the fee, shalbe prohybyted to kepe any lenger the plee in his courte, except that the battayle be waged afore, in lyke maner as the Shyryffe hym selfe is prohybyted, when any suche plee is holden in hys court. And the tenant shall haue hys Essoynes bothe of malo lecti and of malo veniendi, yf hym lyste. Neuertheles it shalbe in the leccyon of the demãdant yf he wyll haue hys cuyte hange there so longe, or nat. For he may at his pleasure go vnto the Shyryffe, and depose hys othe, or two able wytnesses of the court Barõ, that he coulde nat haue ryght there. And so whyther the Lorde & the tenant wyll or nat, he may remoue the matter into the countye.

☞ But yf there were no defaute in the Court in doynge ryght to the partye that remoued the matter vnto the countye. It semethe that the lorde of the

the same(yf he wyll)may reduce agayne that matter in his courte,and the same to determyne in due ordre,so that he can sufficyently proue that the demaundant fayled nat of hys ryghte in hys Courte And the Lorde shalbe admytted to a verre and iustyfye the same,in lyke maner and by lyke ꝓbacion as the partye dyd in the surmyse of the contrarye. And so may the Lorde do in hygher courtes of the kynge,but ꝑ happeneth rarely. For it is thought ꝑ very smale aduantage, or in maner none cõmethe vnto the lordes court by the holdyng of such ples.

¶ Also the lorde of the court may(yf hym lyste)of hys specyall grace wryte vnto the kynge by his letters Patentes,that he hath rempted hys Courte to the kynge for the tyme,if he loue the demaundãt so muche,vpon the shewynge of the whiche letters the demaundant shall haue a wrytte of Ryght out of the Chauncerye dyrected to the Syrysshe,wherby he shall cõmaunde the tenant to rendre the lande vpon the demaundant,whiche wryte yf the tenant obey nat immedyatly,and the demaundant fynde suerty to folowe his suyte,the tenant shalbe somoned to appere in the Benche at a certayne daye.

And so ye maye se that before any entre of the playnte in the Lordes court,or in the cõtye,the plee may be remoued to the hyghe court of our soueraygne lorde the kyng at the fyrst day.

¶ INCIPIVNT Noue addicio nes que in aliis libris nõ habentur,cum magna diligencia reuisa.

Counte de dette par reason daccompt.

CEo vous mõstre W.R. que cy est en ppre person, et soy pleit que H. W. quillonqs est al barr a tort luy detiet & ne luy rẽd pas xx.s dargẽt qr il luy doit, & pur ceo a tort, qr cesty B. vient icy a Orõ le lũdi prchin aps le fest de Seynt Michel larchangel lan du regne nre seignour le roy que ore est q̃ dieu garde le prem: et nous apprent luy lauantditz.xx.s.a paier no⁹ le iour de toutz seintz dõqs prchin ensuant, a qˡ iour il ne paia point, et souent de puis no⁹ auous de maundé del dit B. le dit sõme, et il paiẽ ne voloit, ne vncore voit, eins les detiet & as damages qr cesty pˡ de.x.s. Et si le dek. quillonques est ceo voit dis-dire vous aues icy le pˡ que auowe son suyte bon.

Defendé tout cet force et les damages de plee de x.s. et pluis ou meins dek. que cy est, et defendra la quant defendra luy deue. Mes si vo⁹ voiles p̃dre exception a la iurisdiction ou le plon, vous aues dit trop in vostre defence, et donques vous purres recapitular le count, et demaunder oyer de playnte et purposer exception a la varyance si a insy soit et dira issint. Sir oue vostre conge no⁹ vollons emparler. Et quãt vous aues emparl' & reherse le coũt vous dires ainsi. Sir vous auez cy B. q̃ dek. tout a force et les damages de.xx.s. et pluis ou meins a son issue, et vnquore fait il a son entre. Et donques vous purres re herse le coũte et assigne les defẽces en tiel mañ Jugement de count, quar vous aues bien entendé coment il ad coũte, et pour ceo a tout q̃ B. vient tiel iour et an, et ore il suppõ sa venne estre,

toziours

toꝛcious, & la coũte ꝓue la venũ eẽ dꝛoiturel y les ꝓ
colles ſub ſequent, et poit ceo iugemẽt de counte.

¶ Querens, ceſt parol, toꝛt, doit eſtre referre a le demonſtracyon, et nemy a la declaracyon, quar en la demonſtracyon nous auons ſuppoſe que vn B. doit. xx. ſ. et pur ceo a toꝛt, le quel eſt vn copulatif & refer a la reſon pꝛecedent, et nemy a la reſon ſubſequent, qar noſtre coum eſt alles bon, et puis dirra le defendant. Que aues de pꝛouer voſtre dette.

¶ Quel ſuit bon. ¶ Defendõ nous pꝛiouns que il ſoit examine. ¶ Quel nous araine vn ſuit ſur contract ſil voit dedire. &c. mes vous naues mes dedit iudgement ſi al examinacion deuons viendꝛe.

¶ Defẽdõ ſi vous voilles dedire, ne ſont q̃ parolez foꝛmels, iudgement ſi par tiels parolles foꝛmels doit il nous de ceſt iſſue ouſter. Et dauter part cẽ iſſue eſt done en chelcun cas de contracte, & plee de dette ſurde de contracte, iudgement ſi ceſt iſſue ne ſoit alles bon. Et puis la courte agarde iſſue, et troys fuerunt iures, et examines pꝛeuement et ſeuerelment, ou les deux accoꝛde, et la tierce varie, q̃ que agarde ſuit par la Courte que le pleyntyffe ne p̃igne riens par ſa pleynt, eins ſoit en le mercy.

¶ Count de dette dachate.

☞ Ceo vous monſtre W. R. que ey ſoy playnte de J. de T. quillonques eſt a la barre que meſme ceſti. J. a toꝛt luy detient et pas ne luy rent. xx. s. dargent queux il luy doit, et pur ceo a toꝛt que meſme celluy J. vient le iuudy pꝛochein apꝛes le feaſt de toutes layntes en Oxfoꝛde, et illonques achate del dit W. vn chiual pur les dites, vi. ſ. a paier al dit W. le ſamedy donques pꝛochin enſuant a quel iour il ne paya point, ne vnquoꝛs fait, eins le detient a toꝛt & ſes damages de meſme ceſty pleintife. x. ſ. Et ſi le

defendant quillons est a ceo voit dedire, vous aues cy le pl' q̄ auowe son suit bon. ¶ Defend vt supra. Judgement de couut quar il ad coūt q̄ nous achatons de luy vn chiual, mes il nad mye dit quel colour le chiual fuit, et pur ceo iudgement. &c.

¶ Quer Nous auo⁹ demaunde deuers vous dette de.xx.s. les q̄r sum⁹ a recouerer deūs vo⁹, et nemye le chiual, p que deloys q̄ nous ne sumus mye a recouer le chiual, il nestoit poit mestier a dire la coloure ¶ Defendant. Sir vous veies bien coment il viēt a recouer deuers nous. xx.s. pur ceo que achatons de luy vn chiual, ci come il suppose par son count, mes il nad mye dit q̄ le chiual deuient en nostre possession, et nentendons mye sauns ceo auer suppose quel puisse tiel counte deuers nous maintener.

¶ Querens Nous auous suppose vn achate, et chescun achate suppose mutacion del propertie del chose achate per largent done pur meisme la chose vendu, estre vestu en le possession de lachatour, par que vous demaūdomns iudgement deloys que par entent de ley la propriete est suppose en vēe person par force de cel attachemēt, le quel attachemēt vo⁹ aues point dedit, et pur ceo nous pons nostre dette et nous damages. ¶ Defendant. Donques soy poit defendre come deuant et dire ainsi. Sir nous ne luy deuous nul denere en le manere come il ad suppose, et ceo nous volons defendre par nostre ley, et quāt que cesty court agarde. ¶ Querens. Eit la ley, et fuit agarde par la courte que tendist la ley a la prochein court octeisme maine, a quel iour il fuit Essoine de la ley, & fuit assigne quel soit illonques a vn auter iour agarrant. son essoyne. A quel iour il profer de fayre de la ley come il fuit assigne, mes vn de ceux que deuēt iurer oue luy retrait sa main

quil

quel ne voit pas iurer, pur que la court agarde que le pleintife recouerroit la demaunde ouesque les damages, et le defendant en la mercy.

¶ Oze fait adire de dette demaunde par arbitrement.

Eo vousme[re] R. de T. que cy est &c. que J. de R. q̄ illonques est a toze luy detient & ne p̄, luy rende xx. s. dargent queux il luy doit, & pur ceo a toze q̄ tiel iour et an m̄ cestiy J. vient icy a Oxfozde, & il lonq̄s les auanditz R. & J. eins mistrēt en agarde et arbytremēt de bons gēs. s. de W. Pie et R. Flie pur vn tñs que m̄ cēur Johan auoit fait al dit R. et graūterons q̄ les dites Arbitrozs deussent arbitrer enter eux, et q̄ sīz et chescun de eux deust accompter lour arbytrement & agarō en la mater suisdit. les quels arbitrē et aiug. que le dit Johñ paieroit amesme cesti R. de T. les ditz. xx. soubz le lundi prochin ensuant, a quel tour il ne paia point, ne vnquoze fait, eins les detient a toze et as damages. &c. ¶ Defendant. Judgement de count, quar il ad suppose que William Pye et Rycharde de Flye fuerūt arbitrozs parētre luy & nous pur vn trespas, mes il ne dit point quāt le trespas fuit fait, ne quel trespas il fuit, et pur ceo iudgement de count. ¶ Querens Nous ne sumus mye a recouerer pur le trespas, eins les ditz. x. s. que nous fuerōt aiuges pur le trespas par larbitremēt le quel nous auons mys en certeyne, issint nous sēble nostre counte asses bien. ¶ Defendant. chescun chose que en cause daccion serra declare en courte en certeyne, et le trespas est chose de accyon come voltre count proue, et nest mye mys in certeyne, et

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demaũdons iugement et pɼions que vle coũt abat. ¶ Querens. Et pur ceo que nous auõs counte ſuf ſycientment deuers vous ſur vn accyon de Dette foundu ſur arbitremente, a quel vous ne reſpond̃ poit, nous pɼions iudgement & ouſtre det oue nous damages et la court luy dirra Reſpones aultre. Et ſaches que ſolonque alcuns iuſtices par la comen ley, ſi poit gager ſa ley tunc, ſic. ¶ Defendant Syɼ nous ne luy deuons rien en le maner cõe il a ẽ counte deuers nous, et ceo nous voilons defendɼe par noſtre ley. ¶ Queeens A. ſa ley ne viendɼa mye quar dautre fait home ne doit faire ſa ley, et nous auõs ſurmitte que ceſt dette ſur vn Arbytrement, le quel fuit fait per eſtraunge perſons, et auxi vn Arbitrement eſt vn iudgement done, et choſe conus ſ le pays: iudgement ſi a ſa ley doit il eſtre reſceu. Saches que par la cuſtome daſcun court el nauera ſa ley tunc ſic. ☞ Defendant. Nous luy de nous rien en la maſi com il ad ſuppoſe, et ceo nous voil- lons auerer. ¶ Wel ſic. Nul tiel Arbitrement. Wel ſic. Nous ne ſubmitõs vnques nous en la garde de tielz arbitrozs. Wel ſic no⁹ dions que les arbitrozs nauoient nul poier darbitrer entre nous foɼſque a tiel iour, denes q̃l iour elz ne donẽ agarde ne ſẽtẽce et dõons iugement ſi par aſcun ſentence done aps eel iour ſumys charge a eel dette reſpondɼe, donq̃s ſi couient que le playntiſ trauerſe la defence. Et ſur ceo liſſue ſerra agarde et troue plegges. &c.

¶ Count de dette demaunde par Executours.

CEo vous monſtre I. de B. et R. de T. Executoures del teſtament de W. R. que ſi ſont, que walter S. quillonques eſt a toɼt ne lour renõ. v. ſ. dargent

dargent q̄x il doit, & a toꝛt detient et pur ceo a toꝛt que meſme ceſti walter vient icy a Oxfoꝛde le Lū-dy pꝛochin apꝛes le feaſte de ſaincte Michaelis lax chaūgele. &c. et illonques apꝛꝛompta du dit W. ſ. les auanditz. v. ſ. a paier a dit W. le lundy pꝛchin en ſuant a quel iour il ne paia point, & pur ceo q̄ il ne paya pas al dit W. en ſa vie, accion accruſt as ditz playntiffes cōe executours del teſtament du dit W pur demaunder les ditz. v. ſ. apꝛes la moꝛe, & ſouēt de puis nous auons demaunde du dit walter le dit ſomme, & il ne le paier voloit, ne vnquoꝛe voet, eins le detient, a toꝛt et as damages de m̄ ceux plaintifs de. xl. ō. ſi le defendant que il ad et voyes cy le teſtament que pꝛoue lour ſute.

¶ Defendant toꝛt. &c. nous dionꝛ que vous neſtes pas plons reſpondables, que lun de vo⁹ eſt vilage ¶ Querens. Dir vous aues fait vē defence plein pur quoy vous ne ſerres mye reſceu dalledger diſa bilite, en nous perſons. ¶ Defendant. Si nullum teſtamentum demonſtret, tunc ſic. Vous aues demaunde ceſt dit come executoūr et entant que vous repꝛeſentes auter eſtate & home ne ſerra entendue de repꝛſenter eſtate dauter perſons, ſauns monſtrer comen it auoit tiel poier, quar ſi hōe reſpone pour auter en court le roy, luy couient auer auaunt ſon garrant, ou vouche recoꝛde cōe. &c. ou autrement il ne ſerra mye reſceu iſſint vous demaūdes aux Executours, ne monſtres nul teſtament, iugement ſi. &c. Tunc os quod demonſtretur teſtamentum, & ſi teſtamentum demonſtretur, tunc ſic. ¶ Defē dant. Dir nous luy deteignons rien, et ceo nous voillons defender par noſtre ley. ¶ Querens. Eit ſa ley.

Counte

Noue addiciones.

¶ Counte de dette deuers Executours.

Ceo vous monstre W. de R. que cy est que J. B. et Richarde T. que illonques iount executours del testament de J. Giles a tort luy deteignēt & ne luy renedn: pas xx.s. dargēt. Et pur ceo a tozte que pur lou le dit testatour vient icy a Orkozde le prime iour Doctobze lan du roy. &c. et apprompt du dit pleintike les ditz. xx.s. pur luy paier quant & a quel temps que il fuit a ceo requis, et pur ceo que le dit testatours ne paya point en sa vie tout soit q̄ il fuisst a ceo requis. Accion accruist al dit pleintike a demaunder ceo des ditz defendū come ses executoze. Et depuis que nous auons demaūde des ditz executours la dit cōme, et ilz le paier ne voillēt ne vnquoze voillēt eins les deteignent a tozte et as damages de m̄ cestuy pleintike x. x.s. Si le defēdāt &c. ¶ Defendaut. Tozte et fozce. &c. vous veies bien come il demaunde deuers nous certeyne dette come deuers executours, & ne mēe point especialte que proue son det, par que nul ley nous mettra a respondre. et dōons iudgement si cest accyon deuers nous deues maintener. ¶ Querens. Nous diōs q̄ par la custome de cest courte chescun executour deuoit respondze en Accion de dette, sibien sauns especialte come par especialte, par que pur defaults de respons nous priomus noller dette et nous damages. ¶ Curia Respondes oultre. ☞ Defēdant Sir iudgement de counte & quar vous veies bñ coment il ad afferme vn pleint deuers nous, com vers deux executours, et nous sumus trois noīmes en le testament de nēe testatour, et le tierce est oze en vie, et nest pas nome in le pleint, et pur ceo iudgement de pleint. ¶ Querens. Sir nous conuisons bñ que

y count trois noſmes en le teſtament mes le tierce nad pas pris ladminiſtracion com̃ executour, et pur ceo noſtre pleint eſt alles bon. ¶ Curia. Reſpondes oultre. ¶ Defendant. Unquoꝛe iudgement de coũt, quar vous veies bñ coment il ad count deuers no⁹ come deux executours, et ſi napiert, q̃ vn. Jugemẽt ſi ſans noſtre companyon ſoions tenus a reſponꝺ. ☞ Querens. Nous aues par ley eſpecial que lou diuers executours ſont nomes, celuy quiꝑimes ſap piert par diſtres, ou per Attachement reſponꝺ p ſoy et ſil ſoit condempne, ſes compannions ſerrõt reſpoiables et cõtributours a luy, & pur ceo pur defaut de reſponſe nous ꝓions noſtre dette, et nous damages. ☞ Curia. Reſpondes. ☞ Defendant Sir nous ne luy deteignous riens en le maner com̃ il ad count deuers nous, & ceo nous voillons defendre par noſtre ley. ☞ Querens. A ſa ley ne vieꝺꝛa mye, quar nous auons counte deuers luy del dette ſon teſtatoꝛ que eſt dauter contracte et de dauꝺ fait de qui nullʰõe doit gager ſa ley. ¶ Señ, Unquoꝛe reſpondes. ¶ Defendant. Sir nous dions que no⁹ ne conuſſons mye, ne vnques auoions conuſſans p fait ne par eſcript ne relacyon de noſtre teſtatour, que il vnques luy doit tiel dette en la maner come vous demaundes, et ceo nous volumus defendꝛe par noſtre ley. ¶ Mel ſic. Nous ne fuimus vnques executours, ne admynyſtratours de ſes biens ꝓeſt de auerer ceo. &c. ☞ Mel ſic. Nous auous playnement admynyſtre les bñs del nñe teſtatour, & auõs rẽdu noſtre accõpt a loꝛdinarie, et veies cy nñe tout toꝛie, et laquitãce que le ꝓue ¶ Mel ſic. Nous auõs riens entre mains. &c. no⁹ voillons auerer. ¶ Querens. Il ad alles en tiel lieu adminiſtre, et ceo, no⁹ voillons auerrer. ¶ Curia. Fait inde turata.

Counte

¶ Count de dette deuers plegges.

Ceo vous monstre W.B. que cy est que loy pleint deuers R. de B. et de T. q̄ illonq̄s lōt quilz a tozt luy deteignent, et ne luy rendēt pas. xx. s̄. dargēt q̄ux ilz luy doient, et pur ceo a tozt que vn. Simon B. vient icy a Oxfozde le lundy p̄chyn apres le feast de Trinite. &c. et appzompte du dit playntife les auauntditz. xx. s̄. pur luy payer le lundy pzochin ensuaunt, et pur la greindē suertie de payment le dit simon request les ditz R. W. et T destre les plegges a paier al dit plaintif les ditz. xx. soubz si le dit Symon ne paya point, et mesme ceux defendantes a la request deuiendzont ses plegges a payer al dit pleintif les ditz. xx. s̄. al dit iour, si le dit Simon ne paya point, a quel iour le dit S. ne paya point, pur quoy le dit plaintife souent puis ad venᵘ as ditz defendantz, & eux requist pur luy kayze payment des ditz. xx. s̄. et ilz payer ne voillent ne vnquoze font, eint les deteignent a tozt & as damages de mesme cesty pl̄ de. x. s. si. &c. ¶ Tozt et fozce. &c. Sir iugement de count quar vous veies bien coment il ad demaunde cest dette deuers nous, come deuers pleggs, et ad suppose que nous deueignons pleggs condicyalment pur payer si vn tiel ne paya point quel parole sonne en condicion, et chescē condicion sonne en couenaunte, et nentendons mye que par auter playnt que playnt de couenaunt poet il cest accyon deuers nous meintener, et pzions que cest playnt abate. ¶ Querens. Sir vous aues dit que cest perole sonne en condicyon, et chescun condicion en accyon de couenaunt, nous vous dions q̄ vn foites laccion fuit condicion el auerūt le iour de payment aps le iour encurru il troua pur dette, pur quoy nostre count est asses bon et maintenable pur

vn

vn accion de dette. ¶ Defend. Sir no⁹ nentendons mye q̄ a tiel count ſoiõs tenus a reſponder quar la ley eſpecial voet que eſt cõteigne en la geaũt Chit. ca. vi. que comence. Nos vero vel baliui nri. &c. q̄ les plegges ne reſpondẽt mie, mes lou le pꝛincipal nerit de quoy, ou ſil ne voit mye rendre, quant il poit, et vous nauez mye ſuppoſe q̄ il nauoit point de quoy pur payer ou il ne voit quãt il purroit, & qui nentẽdõs mye, q̄ autrement q̄ ieſpecial ley voet, ſoions tenus a reſponder. ¶ Reſp. Reſpones oultre. ¶ Defendant. Sir vous aues cy les defend que vous dient que vnques ilz ne deueignent plegges du dit Simon, et ceo ilz cõ pꝛeſtes a defend par lour ley. ¶ Querens. Dꝛe ſir nous demaundons iugement ſur lour conuſance demeſne, quar vous veies bien que nous auons demaũde deuers eux certeyne det, le quel ilz nõt mye deſdit, naſcun trauers ſuffiſant mye en ley: quar lou hõe doit gager ſa ley, il couine quil trauerſe le choſe q̄ maintent le accyon, & ceſt le dutie en cas de dette, le quel il ne trauers poynte, par que nous pꝛions nꝛe dette & nous damages. ¶ Defendant. Sir nous trauerſe la choſe dount voſtre accyon ſourde, quar vous aues ſuppoſe que vñe accion ſourde de vne ple gage quel nous auõs trauerſe, & nous ſemble que par nul maner nous ne purrons meliour iſſue auer pꝛis, quar deficiente cauſa, deficit effectus, et puis que le ple gage eſt cãe de voſtre accion, quel nous auons trauerſe, no⁹ pꝛi ons Jugement, et ſic ad iudicium.

¶ Counte de dette par les plegges deuers le dettour.

QEo vous monſtre G. de B. et T. de L. que cy ſont, et eux pleynẽt vers Johñ de G. quil ons ques eſt, que meſme ceſty Johñ a tozte eux detient

et ne renda pas dix ſoubz dargent, queux doit, et pur ceo a toꝛt q̄ meſme ceſty Johan vient icy a Oxꝛ foꝛde le lundy. &c. et illoques, appꝛoint, auters ditz dix ſoubz P. G. a paier a dit P. de G. le Lundy donques pꝛochin enſuant, et pur la grauꝰ ſuertye de payment des ditz. x. s. a iour ſuiſdit, meſme ceſti Johan requeſt les ditz playntifes deſtre plegges pur paier les ditz. x. ſoubz a dit P. G. ſi le dit J. ne paia point, par quy meſme les pleintifz a ſa requeſt deuiendꝛōt les plegges pur paier les ditz. x. s. a dit P. de G. ſi lauantdit Johan ne paya point, a quel iour de payment le dit Johan ne paya point ne payer liſt, par qui lauantdit P. de G. foꝛme vn plainte de dette deuers meſme ceuxplaintifz en la court nꝛe ſeignioꝛ le roy, deuant Richard D. menedoy coūt le vendꝛedy pꝛochin aps la feſt de D. &c. pendant q̄ ple en la court ſuiſdit meſme ceux plaintifes ſouēt ount venus a meſme ceſty Johan, et luy ont pꝛie et requis q̄ il voldꝛoit eux aquiter de les ditz. x. s. et il ceo kayꝛe ne volloit, eint ſuffre eux eſtre diſtreyns & vexes de iour en iour, ſi auaunt que lauantdit P. G. recouera les dites dix ſoubz oueſq̄ damages deuers meſme ceux plaintifes, et eux auoit par iudgement de meſm la court deuers ceux executours, par quy les ditz plaintifes puis le iugement rendue ſouent oūt venu, & dit a J. de G. et luy requis pur eux paier les ditz dix. s. oueſque lour damages et coſtages, quilz ont ſuſteigne pur defaulte de non acquytance, mes il ne payer voloit, ne vnquoꝛe voet, eins les detiēt a toꝛt et as damages des dit pl'de. v. s. Et ſi le defendō. &c. ¶ Toꝛt et foꝛce. &c. Nous voꝰ diōs que ceux pl' vnꝯs ne paieꝛ nul det en defaute de nꝛe acḣtance et ceo nous ſumus pꝛeſt a defendꝛe p̄nke ley, et par quant que ceſt court agarde. ¶ Querens

dix

Sir vo⁹ voies bien coment no⁹ auons ſuppoſe q̄ il doit auer. x. s. le q̄l dette nad point dedit, par quoy nous p̄ions iudgement pur defaute de reſponce, et nē dette oue no⁹ damages. ¶ Defēdant. Le cauſe que vous done accepon come vous ſuppoſe deūs eſt le payment, qui vous allegges dauoir fait al tre a-lure, ouel choſe nous auons trauerſe, par qui nous entendons q̄ tiel iſſue ſoit aſſes receiuable. ¶ Que-rens. Nous aues tendu vn iſſue nient reſonable ne trauerſe nē plee. par quy nous p̄ions iugement ſi nē dette oue nous damages. ¶ Defēdant. Que tiel iſſue ſoit reſonable en ley et aſſes bon, nous de mourons en lagarde et iugement de court, et ſic ad iudiciū. Et ſaches q̄ ſi le court agard q̄ tiel iſſue ne ſoit nye reſonable, donques le plaintife recoūa ſon det ouelq̄, ſes damages, et ſi la court agarde q̄ tiel iſſue ſoit reaſonable, le plaintif p̄eigner a riens par ſa plaint, & le defendant alera q̄te ſans iour. Quer. ſi tiel plee, eſt parenter ambideux parties.

¶ Count de dette par obligacion.

CEo vous monſtre W. J. q̄ cy eſt, et ſoy pleint de Johñ T. quillonq̄s eſt, q̄ meſme ceſty J. a toz̄t luy detient, et ne luy rendō pas. xl. ſoubz dargent queur: il luy doit, et pur ceo a toz̄t q̄ meſme ceſty. Johan viēt icy a Oxford le lūdy apres la feſt &c. ponendo ibidē dat obligacionis, et ſoy conuſt p ceſt fait q̄ cy eſt deſtre oblige al dit W. en les dites xl. ſ. a payer al feaſt de T. donques p̄ochin enſuāt, a q̄l feaſt il ne paia pas nevnquoze payer voet, eins les detient a toz̄t, & as damages. &c. ¶ Defendant Toz̄t & foze. &c. No⁹ p̄ions vieu de fait. Et tunc ſic oier de playnt, et tunc legatur ſi querela. Sir. Judgement de playnt, quar vo⁹ veies bien coment le defendō ē nome en lobligacion J. T. Oxford glo

uer, et en la pleint il nest nome forq; I. T. solemēt le quel purroit estre entendu diuers persons, et pur ceste variance entre le playnt a lobligacion iugemēt de playnt. Mel lic. Dir vous veies bien coment ceste obligacioēst rase en cē mote (quadraginta) le q̄l poit cē entendu muracion del sume, iugement si par tiel obligacion deuers nous ceste accion mainteners.

Mel lic. Ceste obligacion fuit sur tiel condicion si come il est contiene en le dos que cy. &c. la quel condicion est performe, et demaūdons iudgement est cē peremptoī. ¶ Quer. Dir il nest performe en ceste point, lou il duist paier chescū quar. v. s. il failla en la feast de saint Johñ darrein passe, et dōons iugement si pr̄ious nēe dette et nous damages. Mel alit potest defendō allegare acquietanciā vel imprisonamentum tempore obligacionis facti, aut negare factum talt modo. ☞ Defendant. Dir accion ne deues auer, quar longe tēps puis que vous suppoles ceste obligacion estre. s. le. ii. iour de May lan. &c. a Southhāton contract p̄ pr̄ist entre nous, illint que vous no' liues, e la celastes ceste acquitaunce general de toutz actiōs personels q̄ cy est, et dōons iugement si pur alcun contratte fait deuant, deues vo' accpon maintener. Mel lic. Dir ceste obligacion fuit fait noue esteāt e en prison a la sute du dit plaintif en le castel Dorforde, illint nous dions que cē obligacion fuist fait illonques par force, et dures dimpr̄sonement, et dōons iugement si a tiel obligacion nous serrons tenus a respondre. ¶ Mel lic. Dir il nest pas vostre fait, et donques il couient que le pl' trauerse chescū des ditz issues, q̄z ilz cōt percep'oie ¶ Deñ. fiat inde iuī.

¶ Count de dette sur accompt.

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Ceo vous mõtre W.a. que cy est q̃ J. de T. q̃lonques est a toxte luy vient, et ne luy rẽdent pas vint souz dargẽt quer il luy doit et pur ceo a toxt que les dits W. et Johan le. i. iour de Decembre lan. &c. icy a Orkoxde entercoũterent des diuers receites et paymentes enter eux auaunt icel temps, et illint accompte ceo que duist estre accounte, et alowe ledit Johan remayne a dit playntyfe en arrerages sur mesme laccoũte en la somme en demaũde, la quel somme il duist auer paie quant et a quel temps que il fuist requis, et souent foitz de puis nous luy auons requis de nous payer la dit somme, mes il paier ne voilloit, ne vnquoxe voit a toxte et as damages. &c. ¶ Defendant. Toxt et foxce. &c. Dir iugement de count, quar vous veies bien q̃ il coũt deuers nous sur vn accion de dette, et nad mye declare par la counte que vnques nous fumus cõ baylyf ou ẽ receceuer de ces deners, dõt nous duissons estre accountables et pur ceo iugement de counte. ¶ Querens. Nous auons suppose par nr̃e count quel accoũtast ouelque nous de diuers receytes coñ de rentz et auters dettes surquel il restat in arrerages del dit cõme la quel nepurroit auer estre suppose, sans ceo que il ne fuist nostre receiuour, e puis que il ad vn fois accompt de la receit, il est chargeable del det due et des arrerages, et nemye a coũtable, e pur ceo nostre coũt est asses bõ ¶ Querens. Respoynes oulter. ¶ Defendaut. Dir nous dions que nous ne luy deuons rien en la maner cõe il ad count deũs nous, e ceo nous vuellons defendre par nostre ley. ¶ Querens. Eit la ley. ¶ Defi. Gardes vostre iour icy a la prochin court ouelq̃ le fillieme mayñ, et vous le. vii. et trouez plegges pur attendre lissue de ley.

¶ Count de dette deuant Auditours assignes.

CEo vous monstre W.K. q̄ cy est & soy pleint en ꝓper person de J.T. quillonꝫ est q̄ il a toꝛt luy detiēt, & ne luy rēd pas .xx.s. dargēt ꝙr il luy doit, & pur ceo a toꝛt q̄ m̄ ceur W. et Johñ le ꝓmer iour Octobꝛe lan du regne. &c. icy a Oxꝛoꝛde, accompteene des deis et auters ducties cōs de rentes, laines dꝛaps greynes et auters marchañ dises deuant. Johan Rat et Richarde Catte, Auditours assignes, issint q̄ toutes choses accoūtes q̄ duissont estre accoūtes, & alowes, que deussint estre alowes, le dit. Johan defendꝫ remaynt en arrerages sur m̄ laccoūt en la somme. quel il noꝰ deust auoir paies quel iour & quant il fuist par nous requis, et souent depuis nous luy auons requis pur payer les ditz .xx.s. Et il noꝰ en les p aiꝛ voloit, vnē, voiteins les detiēt a toꝛt et as damages. ☞ Defendꝫ. Toꝛt et ꝛoꝛce. &c. Noꝰ ne luy deuōs rien ē la mañ cōe il ad coūt deuers noꝰ, & ceo volumꝰ defēdꝛe p nostre leꝛ. ¶ Querens. A sa leꝛ ne viendꝛa mye, quar nous a nous count deuers luy par vn accion de Dette sur accompt, deuaunt Auditours assignes, a quel accompte il soy submitte, les queur Auditours auoiēt poier par lestatute de Westm̄. ii. capi. xviii. de luy arester et mettre en ꝓison, en quel casil naūa sāmes sa leꝛ. ¶ Defendant. Sie nous ne luy deuons rien en la mañ com̄ il ad coūte deuers nous. &c. noꝰ voil lons auerrer. ¶ Mel sic. Nul tiel accompt ꝓest de a uerrer, ¶ Querens. Et nous auri, & sic ad patriā.

¶ Count de dette pur rent arrere.

CEo vous mēe W.K. q̄ cy est, & soy cōpleint de K.T. quillonꝫ est q̄ il a toꝛt luy detient, & ne luy rend p .xx.s. dargent, ꝙr il luy doit, & pur ceo a toꝛt que m̄ cesty A. viēt icy a Oxꝛoꝛde le vigil del An

assiſaction de nře dame lā. &c. illonqs pſtit a kerme du dit W. vn meaſon oue les apurtinãces assis en la paroche de ſ. Martyne a teñ del dit vigile del Annũciation de nře dame, ieſqs al fine dun an rendãt a dit W. xl. ſ. as quat fines de lā ſ as feſtes de la Natiuite de ſ. Johñ baptiſt ſ. Michel, & le feaſt de Noel par owelx poziciõs & no⁹ dions q̃ il doit les dits. xx. ſ put le dit rẽt arek. x. ſ. pur le fme de ſ. Michel, &. x. ſ pur le fme de Noel oze darrein paſſe, & louẽt de p⁹ no⁹ auõs dõe du dit W. les auãt dits. xx. ſ. & il ne les paier voloit vnc̃ voit, eins detient a toꝛt & as dam ceſty pl̃ de. x. ſ. &c. ¶ Dekend. Toꝛt & foꝛce. &c. Dit no⁹ dions q̃ accion ne deues aũ no⁹ diõs q̃ nous auõs la dit meas del dit W. pur tiel fme & kerme cõe il ad coũt deũs no⁹ ſur tiel cõdicõn q̃ le dit W. duiſt repayre la dit meas cõuenablemẽt durãt le dit fme & nous diõs q̃ le dit meas ẽ diſcouẽ des teigles, & les mures & feneſtres debꝛuſes, & ruinouſes pur dekaut de repacion, peront le dit dekẽ ad pꝛis graũde damages & dõons iugemt ſi cẽ repacion nient fait, nous ſerrõs tenus ā rẽt paier. ¶ Querens. Ceo nẽ pas reſpons pur nous barrer de nře acciõ: q̃ vous fanes bñ q̃ ſi tiel cõtract y pſt ent no⁹ q̃ no⁹ duiſſõs reparrer la meaſon, il purroit ad̃ accion deũs nous de couenant enkreint p que cẽ ple nẽ p ſufficient de no⁹ exoꝛẽ de nře dutye: q̃ eſtoppel nẽ p payemẽt par le ley, & iſſit pur dekaut de reſponce no⁹ pꝛions nře det & nous damages. ¶ Deñ. Reſpones ouſt. Cũe oportet facere debiũ, & negare reſiduum, & denegatum fuit redditu negata non vadiare lex.

¶ Placitum compoti.

QEo vo⁹ monſtre W. B. que cy eſt, & foy pleint de. R. T. quiſſonqs eſt q̃, cm ceſty R. ne luy rẽd pas reſonable acc̃ops del temps que il fuit ſon reſ-

ceuour de les deuers, & pur ceo a tozt que le dit M. vient cy a Oxforde le lundy prochin apres le iour de Saint Michel lan. &c. & a diuers foitz pere̅ter le dit iour de Saint Mychel, feſt de Noel dõques prochin enſuãt reſceu de no⁹ biens & chateux. ℔. en oz & argent. x. ℔. & en poſſes, kaie, foꝛment, bꝛes hames, peix, lanne, ieſques a la value de cent li. dont nous luy auons louẽt requis de nos accompte rẽdr̃, & il le fait ne voiloit nevnquoꝛe voit, eins le dedit a tozt & as damages. &c. ¶ Dekẽdant. Tozt & foꝛce. &c. Jugement de count. quar ſi vous deues poꝛt actiõ dacompt deuers vꝰ baylif, vo⁹ couient nomer en eſpecial a q̃l mañ il fuiſt vꝰ baylif, ou autrẽt vꝰ coũt eſt abatable en ñ le maner deuers vꝰ receiuour, & vous naues mye alꝛ'en eſpecial, a quel lieu ne a quel entẽt no⁹ auõs reſceu vꝰ biẽs, & pur ceo iugemt de vꝰ count. ¶ Querens. Sir nous auõs ſuppoſe que vo⁹ aues reſceu nous biens a Oxforde & entant que vous naues mye dedit que vous fuiſtes noſtre reſceyuour, nous pꝛions pur defaulte de reſpons que vous eſtoies atteint. ¶ Dekendant. Sir a voſtꝛ conge nous volumus emparler & quãt ilz ont emparle. Sir vous aues cy B. qui defende tozt & foꝛce & les damages du pꝛ'a ſon iſſue. et vnquoꝛ fait il a ſon entre. Sir nous vous dions que nous ne fuim⁹ vnques ſon reſceiuour en la maner come il ad count deuers nous, & ceo nous voilions auerrer. ¶ Wel ſic. Kient accõptable, vel ſic nous auons pleinmẽt accoũt en Abyngdõ, pꝛeſt dauerrer ¶ Querens. Sir a cel iſſue ne viendꝛa mye, quar au comencement, vo⁹ aues fait voſtre defẽce pleine iſſit vo⁹ aues admit la Juꝛ du court, et Arbitꝛ eſt hoꝛs de ceſt ſute et pur pleder mayntenaunt vn plee que purroit ouſtre cẽ court hoꝛs de Juꝛ vous ne ſer

ees mye reſceu. ¶ Tunc opoꝛtet omittere vel non amittere Jurē et placitare ad patriam, quia in placito cōpoti defendens debet vadiare legem vel computare, & tunc opoꝛtet allegare duos auditoꝛes. Et ſi les auditours ne purroiēt mi accoꝛdꝛ la court ſerē meſme, et ſi rien ſoit en traūs que ne poit mye eſtre troue par les auditours, ſerra triep enquell, & en cē accion le pl'ne recouera mye nul damages, & ſil ſoit troue en arrerages ſur laccount les auditours ont power p̄ leſtatut de ley areſt, et metre in gaole, p̄nt Johñ Baylife de halobol nunc in eodem ca.

¶ Count de detinue de catalis.

CEo vous monſtre W. B. que cy eſt, et ſoy pleit de Johan B. quillonques eſt que meſme ceſty Johñ a toꝛt luy detient, et ne luy renꝺ pas ſes biens et chateux. ſ. vn piece dargent pꝛis de. xx. ſ. vn maſer garnile dargēt & ſex ſercles enoꝛes pꝛice. xl. ſoubz et vn doſil de quilers pꝛice. xxiiii. s. et pur ceo a toꝛt ñ le dit W. vient a Oxfoꝛꝺ le lūꝺy pꝛochin aps. &c. & apꝛompt du dit defendant. iii. li. dargent, et luy miſt illonques les ditz chateux & ioalx en gage, pur le ſomme ſuiſdit pour les acquyter, & repꝛer al dit Johan al iour de Noel donques pꝛochin enſuant, a quel iour alles de payment le dit W. luy offriſt les ditz. iii. li. et ſouent de puis ad offre, & luy requis pur deliuerer les ditz chateux et ioalx, mes il ne voloit eux deliuerer, ne vnquoꝛe voit, eins les detient, a toꝛt & as damages. &c.

¶ Defenꝺ. Toꝛt a foꝛce. &c. Dir oyes le plainte W. B. queē de Johñ B. in placito detenē catall' plegii. &c. Dir iudgement de pleint, quar vous voies bien comen il ſoy pleynte de detinue des chateux, et ne mette, mye en eſpecial quex chatel, come deners en bꝛe de dette, quel ſomme en eſpeyal ſi demañde

et en bzieke de Dttinue enſemēt et pur ceo ſugemēt de pleint. ¶ Querens. Noſtre pleint eſt detinue de chatel, et par nūe coūt nous auōs declare quel chatel no⁹ dōons, iſſint noſtre pleint eſt ſufficient garrant a noſtre counte, et noſtre pleint eſt aſſes bon. ☞ Nota quod poteſt dupliciter reſpondere.

¶ Defēdant. Dir nous ne luy deteinons rien en le maner come il ad count deuers nous, & ceo nous ſu mus pzeſt a defenndē par' noſtre ley.

¶ Mel fic. Dir par ptestacion q̄ nous conuſomus mye nul tiel chateux ne tiel ioalx ne de tiel value cōe il ad ſuppoſe par ſon count, et pur ple nous dions q̄ ſe come aſcū tielx ioalx y ſopent, il nous miſt les en gage pur. iiii. li. ſur tiel cōdicion que les acquitaſt, & nous ceo paiaſt le ditz. iiii. et. al dit iour aſſis, q̄ adō ques nous rebatterons les ditz ioalx, autermēt fil faillaſt en le dit paiment q̄ nous les auerons cōe cha tel vendu pur ſi cōme, & les ioierōt pur toutz iours et no⁹ dions que al dit iour de paymēt il nous & ne paia point ne nous offriſt nul dener pur qui no⁹ re teignōs les ditz ioalx deuers no⁹ cōe bñ nous liſt, & demaūdons iugement ſi ceſt accion. ¶ Quer. Dir nous dions que ilz fuerūt mys en gage en le maner come nous auons ſuppoſe par noſtre coūt ſans tiel condicion, & ceo nous volumus auerrer. ¶ Defen dant. Dir ilz furrent par tiel condicion vendus, cōe nous auōs alleze & ceo nous volumus auerrer, ideo fiat inde iurata.

¶ Aliud placitum de detencione eſtallozum.

CEo vo⁹ monſtre W. B. que cy eſt, & ſoy pleint de Johan B. quillonques eſt que il a toꝛt ne luy rent ſes bñs et chatelx a la value de. xx. li. eſtallaū vn male de coyze, ouelqz vn lit de woꝛſtetz

ous

oue curteignes pilous et toutes lour appoꝛtinans deins le dit male pꝛice de L.s.ii.hopulandes furres luu de calabze et lauꝛ de croppes pꝛis de.x.. marces & auters biens et chateux incloses deins le dit male iceſq; a la ſomme ſuiſdit,et pur ceo a toꝛt que le pleyntife icy a Oꝛkoꝛde.x.iour de Nouebze.&c.baillaſt a dit defend̄ les ditz biens et chatels, pur les ſauement garder et render a dit playntife, quaunte et a quel tēps que il fuiſſe par nous requis,& nous luy auous requis de nous rendze les ditz biens et chateux,mes il ne voloit delyuer, ne vnquoze ne voit, eins les detient a toꝛt et damages. ¶Defendāt. Toꝛt et foꝛce.&c. Dir ceſt accion deuers nous ne deues auer,quar ceux biens que vous nous demaundes,nous fuerent deliueres par commaūdement de G.trouer donques voſtre maiſter et nous ne ſaches mus oze,ſi vousdemurres oue luy ou non,et demaū dons iugement,ſi ſans acquitaunce de luy,ou ſuffiſant eueigne nous deuōs auer deliuere les ditz bīs et chateux. ¶Uel ſic. Nous ne luy deteigne rien,en le maner come il ad count deuers nous,et ceo nous ſumus pꝛeſt a defendze par noſtre icy. ¶Uel ſic. Dir nous auons vnques rien de ſa liuere, pꝛeſt de lauerrer. Ou auterment, vouspurres conuſter parcel,et denier le remenant. Nota q̄ purles et diuerſe ſunt acciōes detenciōis catall' q̄ non poſſunt hic ſingulo declarari cum in declaracione veſtre narracionis vous deberetisallegare qualiter,et quādo bona illa deuenerint in poſſeſſionē defendentis pꝛout caſus exigit et requirit.&c.

¶Placita de plegiis non acquietatis.

Leg

Ceo vous monstre W.B. que cy est a ſoy pleis de Johan R. quillonques que eit meſme ceſty Johan luy nad pas acquite vers Thomas B. de Orford. xx.s. as queux il fuit plegge pur ceo q̄ le dit Johan vient icy a Orforde achater dun Thomas vn piece de drap de layne pur les ditz. xx.s. a paier a la feaſt de Noel donques prochin enſuant, & pur la grend̄ ſuerty de payment des ditz. xx. ſoubz le dit Johan paia le dit W. que ore est plaintife deſtre ſon plegge, et le dit W. a la priyer et requeſte illonques deuient ſon plegge a payer, les ditz. xx. ſoubz al dit Thomas a la feſte ſuildit, ſi le dit Johan a paya poynt, a quel feſte le dit Johan ne paia poynt ne paier ne voloit, meſque il vſt eſte a ceo ſouēt requis par quy le dit Tho. puis ad dūe de le dit W. la dit ſomme, & pur defaute de paymēt ſur luy ad affeerme vn pleint de dette en la court noſtre ſeignioure le roy en le Gylde hale deuaunt le Maire Dorenforde, & forze de quel le dit W. ad eſte ſoūn attache et diſtreīn par pleges de ley de reſpondere en meſme la court, condempne en les ditz. xx.s. & v.s. pur les damages et coſtages, et ſouent en le meſne temps le dit W. ad venu al dit Johan, & luy requis pur luy acquitter vers le dit T. del plegage ſuildit, mes il acquitter ne voloiſt, eint luy ſuffre eſtre vexe et condēne en defaulte de ſa non acquitaunce, a tort et as damages du dit plainty £. xl. ū. &c. ¶ Defendant Tort et forze. &c. Sir vous veies bien coment il ad monſtre quel fuit noſtre plegge, a quel eſt condēpne en tiel court en. xx.s. et. v.s. pur damages et coſtages, mes il nad mye dit que il paya pur nous nul' dener, & pur ceo iugement ſi ſans ceo auer ſuppoſe il doit accepon deuers nous maintener. ¶ Querens Sir nous auons monſtre coment nous ſumus ſon

plegge

plegge a la requeſt, que nous auons eſte vere, et condempne par la defaulte de nous acquiter, & de puis que iudgement ſur ceo eſt rendu, le quel il conuient de fine force eſt̄ executé, a paper la quel choſe il nad mye dedit, pur quoy nons prions iudgement, et pur defaute de reſponce que il ſoit atteint.

¶ Cur. Saues autre choſe dire. ☞ Defend. Nul ☞ Curia donques ceſt court agarde que le pl̄ recouera deuers vous. xx. s. et. v. s. en queux il fuit condempne pur vous. et. xii. d. pluis pur ſes coſtages, & damages q̄ cē court & le defendant en la merey. &c.

¶ Count de treſpas daſſaut et bateric en Court baron.

CEo vous monſtre W. que cy eſt q̄ ſoy pleint, de Johan Roos quillonques eſt, que meſme ceſti Johan vient icy a habidon le diſmenge. &c. et illonques en le haulte chempn ſur le dit W. fiſt aſſaut, & luy batte et defoula, malement treta a tort, et encounter le peas du ſeignour de ceſt ville et le peas noſtre ſeniour le roy, et as damages du dit pleintif de. xx. s. Et ſi le defendant quillonques en ceo voet dedire vo⁹ aues cy Johñ q̄. &c. ¶ Defendant. Oie vous aues cy Johñ que defende tort et force, & les damages du pleintife de. xx. s. et pluis ou meins, ou et quant defendre luy denie, & dit que il neſt de rien coupable, et ceo nous voylons mettre in dieu, & en nous bons voylins. Querens. Et nous entant que vous eſtre coulpable. Ideo conſideratum eſt per curiam quod inquiratur per homagium, an predictus Johannes ſit culpabilis de predicta tranſgreſſione an non.

¶ Count de treſpas daſſaut, et bateris en court Reale.

Leo

Ceo vous monstre G. de M. que cy est en ꝑ-
ꝑie person, et soy pleint de Johan B. quilõ
ques est a la barre qui le dit Johñ vient icy
a Oxford le lundy, prochin apres le feast de chaũde-
ler lan. &c. oue force et armes. ſ. espees bokelers, ar-
kes et auters, armes encoũtre le peas nẽ ſeniour le
roy et illonques en le dit H. assaute fist, et luy bata
naustra et malement treta, et ouesque vn espe luy
ferist sur le test & sur brasenesse a luy fist deux graſ
des plaies horribles, paront le sang esperõ, & il estoit
en dispaire de la vie, & auters les luy fist a tort & en
countre le pes nostre seignior le roy as damages
de mesme cesty plaintife de. ix. li. si le defendant &c.

¶ Defendant. Tort et force, et les damages vn ñ
cesty luy pleintife de. xl. li. et pluis ou meins. &c.

☞ Nota quod hic potestis duobus modis respõ-
dere. ſ. q̃ nul tiel debate fuit ou vo⁹ purres iustifier
et dire ainsi. Sir quant a la veñ oue force, et armes
et tout ceo que est encountre la pees nostre seniour
le roy de rien culpable, & quant al assaut, et abatery
actyon ne deues auer, quar nous dions que mesme
le iour, et an que vous supposes le dit tñs estre fait
a Oxford, nous dions qui vo⁹ venistes oue force, &
armes a Bagley, en le counte de Berk, et illonques
fistes assaut, sur nous oue oydes perolles de report
et ouesq̃ vn bastõ nous assaillastes, et ferristes, issit
nous dions que si alcun damages, il fuit a vostre
assaute, et tort de ñ et dõons iugement si accion. &c.

¶ Sachez que cẽ responce treacte le ple hors de cẽ
Iurisdiõ nient meins il ẽ bon plee a la comen ley, mes
ceux de la cytye pur cause de lour franchisse ne voi-
lent alower sans pluis dire donques il couient que
vous dites ainsi. Tort et force. Et tout les iusticers
come deuaunt, et issint nous dions que si alcun da-
mages

mages aues ſi tuit a vñe aſſaut demeſme, ſans ceo que nous fiſmus aſcun aſſaut ſur vous a Oxford en maner come vous aues count, prest dauerrer. Et ſic ad patriam.

¶ Count de treſpas de biens emportes.

CEo vous monſtre W. R. que cy eſt, et ſoy pleint de Johan Townesende quillonques eſt, que meſme cesty Johan vient icy a Oxford le lundy prchin apres le feaſt de ſaint Johñ. &c. oue force et armes, et illonques la meaſon du dit plintife a tort entre, et ſes biens, et chateux illonques troues. s. vn maſer garnise dargent pris de. xx. s. prist & emport a tort et as damages. &c. ¶ Mel ſic. meſme cesty J. oue force, & armes tiel chiual attache oue vn corde en ſa paſture price de. xx. s. a tort prist, & a meſne en countre la peas nre ſeignour le roy et damages du dit pl'de L. ſ. &c. ¶ Defendant. Tort et force, &c. Mir quant a ſa venue oue force, et armes, et tout ceo queſt encountres le pas noſtre ſeignour le roy, le priſel du dit maſer de rien coulpable, et quant a lentre de voſtre meaſon, nous entramus par voſtre conge pur achater voſtre ſeruoiſe, la quel vo⁹ eſtes a vendre en voſtre Tauerne, et dõns iudgement, ſi pur tiel entre accion deuers nous deues auoir.

¶ Querens. Mir nous vous donam⁹ conge pur entre noſtre meaſon, en bon peas, & bon, maner, vous emportes noſtre maſer, et iſſint voſtre venu eſt tort ionus, et iſſint nous dions q̃ vous a tort entraſtes et a tort priſtes noſtre maſer, ſi come nous auons auaunt allege, et ceo voillons auerrer. ¶ Defend. Jugement de count, quar vous aues ſuppoſe que nous a tort venamus, en le champe de Beamont, et ne mettes mye en quel vil le, ne en que paroche le dit champe eſt aſſis, iſſint le court ne poit auoir nul co

nuſaunce

[illegible] ¶ Querens. [illegible]
[illegible] en le champe de Beamont, quel [illegible]
[illegible] par tout le court, et il eſt aſſes en [illegible]
[illegible] que ceo noſtre counte eſt aſtes bon.
[illegible] paſture ſon voſtre chival fuit [illegible]
[illegible], deins aſtun certeine paroche; & puis ceo
amende noſtre counte. ¶ Querens, dit nous dioms
que le defendant puis, amena le dit chival en le dit
champe de Beamont deins le paroche de Haliwell
en la mayne, come nous auons ſuppoſe eſt allegge
deuant. ℭ Defendant. Sir nous dioms que nule
me le fous, et ad que il ſuppoſe nous auer puis le dit
chival nous lup achatamus bun eſtrange beaſt en
le faire de wodſtoke, et illonques paiamus le taille a
la cuſtome noſtre ſeniour le roy, et ad ſatiſ. ſa dit
M. et dioms iudgement ſi accion. &c. ¶ Et ſic.
Dist achatamus le dit chival de vous en le marche
de Babydon pur la ſomme de x.s. par force de nuz
achats, vo⁹ no⁹ liueraſtes illoſq le dit chival, & no⁹
lup liamus illonques par le cheueſter a un eſtaunce
et il rumpit le cheueſter, et ſetoque ariere vie ſoleil
le lup prift en ſte champe, lou il ſoloit eſtre, & nous
lup ſuſſiamus, et lup priſter le meſtiamus cue nre
chival dameſme ſome bien nous lit. et dioms iudge-
ment ſi ſeit acc. &c. ¶ Querens. vous a tout priſtes
le dit chival en le champe de B. cõs auera ſuppoſe
par nre comit, et nous voillons auerer. Et prudes
defendõ ſimiliter. Ideo fiat inde iurat tamen queſ-
tio eſt ſi iurat erit de Babydon an non.

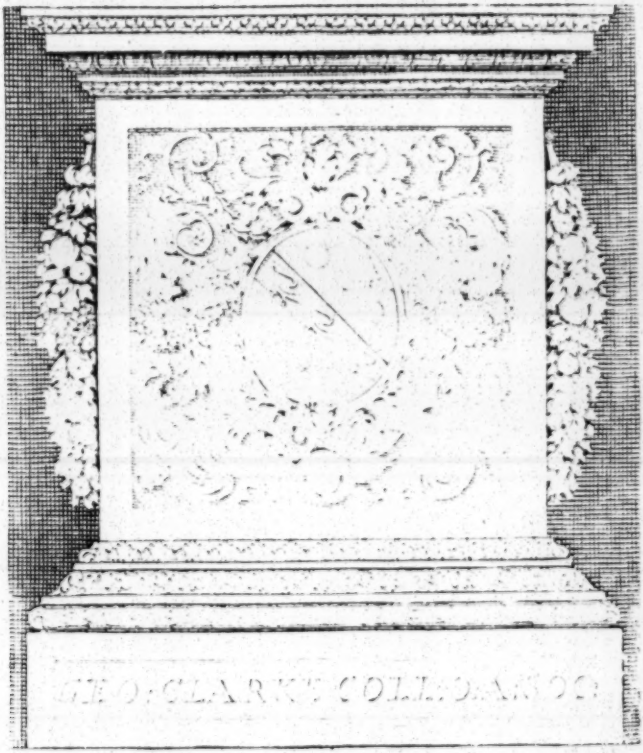
¶ Conne de Treſpas des bies,
dautres diens.

ℭ Ceo vous monſtre W. que cy eſt, & ſoy pleint
de Johan le lundy prochein apres de ſaynte Jehan
le Baptiſt

GEO: CLARKE COLL: O: A: SOC:

nuſance de quel vifnel le pais ſerra ſomons ſi iſſint ſoit tiel, iudgement de counte. ¶ Querens. Sir no⁹ auons counte en le champe de beamont, quel eſt vn lieu conus par tout le court, et il eſt alles en diuers parothes, & pur ceo noſtre counte eſt alles bon.

¶ Cur. Vñe paſture ſou voſtre chiual fuit ipe en le champe, ẽ deins aſcun certeine paroche, & puis ceo amende voſtre counte. ¶ Querens. Sir nous diõs que le defendant pꝛiſt, ameſna le dit chiual en le dit champe de Beamont deins le paroche de Haliwel en la maner, come nous auons ſuppoſe eſt allegge deuant. ☞ Defendant. Sir nous dions que meiſme le iour, et an que il ſuppoſe nous auer pꝛis le dit chiual nous lup achatamus dun eſtrange home en le faire de wodſtoke, et illonques paiamus le tolle a la cuſtome noſtre ſeniour le roy, et as bailifs du dit W. et dõons iudgement ſi accion. &c. ¶ Wel ſic. Que achatamus le dit chiual de vous en le marche de Abydon pur la ſomme de. x. s. par foꝛce de quel achate, vo⁹ no⁹ liueraſtes illõqs le dit chiual, & no⁹ lup liamus illonques par le cheueſter a vn manges et il runpiſt le cheueſter, et retoꝛne deuers vñe hoſtel la lup vꝛiſt en vñe champe, lou il ſoloit eſtre, & nous lup purſuamus, et lup pꝛiſter le meſuamus cõe nñe cheual demeſne come bien nous lit. et dõons iudgement ſi ceſt act̃. &c. ¶ Querens. vous a toꝛt pꝛiſtes le dit chiual en le champe de B. cõe auons ſuppoſe par nñe count, et nous voillons auerrer. Et pꝛedict defenꝺ ſimiliter. Ideo fiat inde iurat̃ tamen queſtio eſt ſi iurat̃ erit de Habydon an non.

¶ Conut de Treſpas des bies, dautres diens.

☞ Ceo vous monſtre R. que cy eſt, & ſoy pleint de Johan le lundy pꝛochein apꝛes de ſaynte Johan le Baptiſt